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A	Plaintiffs' Narrowed List of Government Privilege Log Documents to Compel	May 8, 2018
B	Excerpts of Kadura Deposition Transcript	November 30, 2017
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D	Excerpts of Father Doe 2 Deposition Transcript	January 17, 2018
E	Excerpts of Shibly Deposition Transcript	February 12, 2018
F	Excerpts of Elhady Deposition Transcript	February 22, 2018
G	Excerpts of Frljuckic Deposition Transcript	December 1, 2017
H	Excerpts of Elhuzayel Deposition Transcript	January 18, 2018
I	Excerpts of Ahmed Deposition Transcript	February 20, 2018
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P	Baltimore Police Department, Policy 802	September 8, 2016
Q	Review of the Terrorist Screening Center, DOJ Office of the Inspector General	June 2005
R	Excerpts of DHS TRIP Deposition Transcript	December 20, 2017

Exhibit A

PLAINTIFFS' NARROWED LIST OF DOCUMENTS TO COMPEL

PRIVLOG DATE	DOCUMENT #	BATES	DOCUMENT DATE (if available)	DOCUMENT TITLE OR DESCRIPTION	GOV'T REVISED PRIVILEGES
11/15/2017	TSCA0014		12/8/2015	TSC - Redress Program Standard Operating Procedure	LEP
11/15/2017	TSCA0019		2015	Watch Listing Guidance 2015	LEP SSI
11/15/2017	TSCA0229		January 2009	HSPD 6 Foreign Partner Terrorism Screening Information Sharing Strategy Document	LEP SSP
11/15/2017	TSCA0230			Terrorist Screening Center (TSC) Handling Codes	LEP
11/15/2017	TSCA0231			Terrorist Screening Center Law Enforcement Information Sheet	LEP
11/15/2017	TSCA0233			Terrorist Screening Center Identity Intelligence Unit Info Sheet and FAQ	LEP
11/15/2017	TSCA0235		8/21/2015	Foreign Dissemination of Classified Information Policy Guide	LEP SSP
11/30/2017	TSCB0002	Elhady-FBITSC-PRIV00002		Watchlist Submission Form Interface Page	LEP
11/30/2017	TSCB0012	Elhady-FBITSC-PRIV000320- Elhady-FBITSC-PRIV000346		Terrorist Screening Overview	LEP SSI
11/30/2017	TSCB0013	Elhady-FBITSC-PRIV000347- Elhady-FBITSC-PRIV000354		Nominations and Data Integrity Unit training PowerPoint re: HSPD-6 and USG Restricted Information	LEP
11/30/2017	TSCB0014	Elhady-FBITSC-PRIV000355- Elhady-FBITSC-PRIV000356	5/18/2016	SOP re: nomination procedures	LEP
12/22/2017 p1	TSCC0001	Elhady-FBITSC-PRIV000445- Elhady-FBITSC-PRIV0001912	2012-2017	TSDB Director's Monthly Statistical Reports	LEP SSI
12/22/2017 p1	TSCC0002	Elhady-FBITSC-PRIV0001913- Elhady-FBITSC-PRIV0002703	2012-2017	TSDB Weekly Statistical Reports	LEP SSI
12/22/2017 p1	TSCC0003	Elhady-FBITSC-PRIV0002704- Elhady-FBITSC-PRIV0002719	12/30/2008	MOU between TSC and Department of Homeland Security re: the Secure Flight Program	LEP
12/22/2017 p2	TSCD0001	Elhady-FBITSC-PRIV0003099- Elhady-FBITSC-PRIV0003104	05/2014	PowerPoint re: Visa Review and International Liaison Unit Functions at the Terrorist Screening Center	LEP
12/22/2017 p2	TSCD0002	Elhady-FBITSC-PRIV0003105- Elhady-FBITSC-PRIV0003117	5/11/2017	Visa Review: Standard Operation Procedures	LEP
12/22/2017 p2	TSCD0003	Elhady-FBITSC-PRIV0003118- Elhady-FBITSC-PRIV0003129	9/16/2003	MOU on the Integration and Use of Screening Info to Protect against Terrorism	LEP SSP
12/22/2017 p2	TSCD0006	Elhady-FBITSC-PRIV0003144	11/25/2013	Email: Watchlisting Policy Exception	LEP
12/22/2017 p2	TSCD0008	Elhady-FBITSC-PRIV0003150- Elhady-FBITSC-PRIV0003184		TSC Training Powerpoint re: Foreign Government Information	LEP SSP
12/22/2017 p2	TSCD0009	Elhady-FBITSC-PRIV0003185	4/7/2015	Flowchart: Nomination Priority Standard Model	LEP
12/22/2017 p2	TSCD0015	Elhady-FBITSC-PRIV0003267- Elhady-FBITSC-PRIV0003268	5/26/2014	NDIU: Nomination Prioritization Standard	LEP

PLAINTIFFS' NARROWED LIST OF DOCUMENTS TO COMPEL

PRIVLOG DATE	DOCUMENT #	BATES	DOCUMENT DATE (if available)	DOCUMENT TITLE OR DESCRIPTION	GOV'T REVISED PRIVILEGES
12/22/2017 p2	TSCD0017	Elhady-FBITSC-PRIV003291-Elhady-FBITSC-PRIV003293		TSC Document re: Foreign Partnerships	LEP SSP
12/22/2017 p2	TSCD0029	Elhady-FBITSC-PRIV003567-Elhady-FBITSC-PRIV003625		TSC Overview PowerPoint	LEP
12/22/2017 p2	TSCD0043	Elhady-FBITSC-PRIV003727-Elhady-FBITSC-PRIV003801	2012-2017	TSC monthly statistical reports	LEP SSI
12/22/2017 p2	TSCD0044	Elhady-FBITSC-PRIV003802-Elhady-FBITSC-PRIV003806	10/3/2008	DOJ Memo from Deputy Attorney General to Heads of Department Components re: Department of Justice Protocol Regarding Terrorist Watchlist Nominations	LEP
12/22/2017 p2	TSCD0046	Elhady-FBITSC-PRIV003817-Elhady-FBITSC-PRIV003827	April 2007	MOU between TSC and DHS re: Screening for Immigration Benefits	LEP
12/22/2017 p2	TSCD0051	Elhady-FBITSC-PRIV004326-Elhady-FBITSC-PRIV004332	4/9/2015	U.S. Government Redress Implementation Plan	LEP SSI
12/22/2017 p2	TSCD0053	Elhady-FBITSC-PRIV004343-Elhady-FBITSC-PRIV004357	March 2005	State Department memorandum and report re: terrorist screening information sharing	LEP
12/22/2017 p2	TSCD0055	Elhady-FBITSC-PRIV004372-Elhady-FBITSC-PRIV004377	March 2006	MOU between TSC and TSA re: Screening	LEP
12/22/2017 p2	TSCD0058	Elhady-FBITSC-PRIV004400-Elhady-FBITSC-PRIV004404	December 2006	Addendum B to the MOU between TSC and TSA re: Use of Terrorist Information	LEP
12/22/2017 p2	TSCD0060	Elhady-FBITSC-PRIV004413-Elhady-FBITSC-PRIV004418	September 2006	MOU between TSC and the Overseas Private Investment Corporation re: Terrorist Screening	LEP
12/22/2017 p2	TSCD0063	Elhady-FBITSC-PRIV004427-Elhady-FBITSC-PRIV004443	05/12/2006	MOU between TSC and TSA re: Use of Terrorist Information	LEP
12/22/2017 p2	TSCD0065	Elhady-FBITSC-PRIV004446-Elhady-FBITSC-PRIV004488		An Updated Strategy for Comprehensive Terrorist- Related Screening Procedures	LEP
12/22/2017 p2	TSCD0067	Elhady-FBITSC-PRIV004499-Elhady-FBITSC-PRIV004521	July 2012	FBI TSC Privacy Impact Assessment	LEP
2/16/2018	TSCE0002	Elhady-FBITSC-PRIV004628-Elhady-FBITSC-PRIV004668		Watchlist Submission Form User Guide	LEP SSI
2/16/2018	TSCE0003	Elhady-FBITSC-PRIV004669-Elhady-FBITSC-PRIV004678	12/8/2017	Watchlist Submission Form FAQ	LEP SSI

Exhibit B

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 Alexandria Division
4
5

6 ANAS ELHADY, et al,

7 Plaintiffs, Civil Action No.

8 vs.

1:16-cv-375

9 CHARLES H. KABLE, et al, (AJT)(JFA)

10 Defendants.
11
12

13 Deposition of Yaseen I. Kadura
14 Washington, D.C.
15 Thursday, November 30, 2017
16 10:00 a.m.
17
18
19
20
21
22

23 Job No. 2759927

24 Reported by: Laurie Donovan, RPR, CRR, CSR
25

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<p>1 Deposition of 2 YASEEN I. KADURA 3 4 Held at the offices of: 5 U.S. Department of Justice 6 20 Massachusetts Avenue, N.W. 7 Washington, D.C. 20001 8 (202)514-2395 9 10 11 12 13 14 15 16 17 18 Taken pursuant to notice, before 19 Laurie Donovan, Registered Professional 20 Reporter, Certified Realtime Reporter, and 21 Notary public in and for the District of 22 Columbia. 23 24 25</p>	<p>1 EXAMINATION INDEX 2 PAGE 3 EXAMINATION BY MS. KONKOLY 6 4 5 6 7 8 E X H I B I T S 9 EXHIBIT DESCRIPTION PAGE 10 Exhibit A Plaintiffs' Responses to 11 Defendants' First Set of 12 Discovery Requests to 13 Plaintiffs 19 14 Exhibit B Plaintiff Yaseen Kadura's 15 Supplemental Responses to 16 Defendants' First Set of 17 Requests to Plaintiffs 23 18 Exhibit C Copy of Yaseen I. Kadura's 19 U.S. passport 37 20 Exhibit D Defendants' First Request for 21 Production of Documents to 22 Plaintiffs 38 23 Exhibit E Xerox copies of cell phone 24 packaging materials 180 25</p>
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<p>1 A P P E A R A N C E S 2 ON BEHALF OF THE PLAINTIFFS: 3 Council on American-Islamic Relations 4 453 New Jersey Avenue, S.E. 5 Washington, D.C. 20003 6 (202)742-6420 7 By: Gadeir I. Abbas, Esq. 8 gabbas@cair.com 9 Ahmed Mohamed, Esq. 10 ON BEHALF OF THE DEFENDANTS: 11 Department of Justice, Civil Division 12 20 Massachusetts Avenue, N.W. 13 Washington, D.C. 20001 14 (202)514-2395 15 By: Antonia Konkoly, Esq. 16 antonia.konkoly@usdoj.gov 17 Jayme Kantor, Esq. 18 jayme.kantor@usdoj.gov 19 ALSO PRESENT: 20 Jennifer Greenband, counsel for TSA 21 22 23 24 25</p>	<p>1 (Exhibits continued) 2 EXHIBIT DESCRIPTION PAGE 3 Exhibit F Plaintiffs' First Complaint for 4 Injunctive and Declaratory Relief 5 and Jury Demand 266 6 Exhibit G Letter from Department of 7 Homeland Security dated 8 September 4, 2015, to Lena Masri, 9 Bates Kadura-000018 298 10 Exhibit H Certification of Identity for 11 Yaseen I. Kadura, Bates number 12 Kadura-000023 306 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 162</p> <p>1 Q Okay. What do you recall about 2 September 22, 2012? 3 A Okay. So September 22, that Port Huron 4 crossing, I was coming back. It was at night. I 5 believe I was driving my mom's Toyota Camry, 2011. 6 It's a gray car, you know. Every time I cross the 7 border, I'm uneasy because of, you know, all the 8 past incidents that I had had and just the general 9 awareness of how, you know, Muslim-Americans, 10 Arab-Americans are treated. 11 I was crossing the border. I had a nice 12 conversation with the border guard. He asked me 13 where I went to school. I told him IUPUI. What 14 were you doing in Canada? I told him I was 15 visiting family. You know, it was a nice 16 conversation. 17 He ended up, you know, when he swiped 18 me -- actually, you know what? It wasn't at 19 night. I'm going to take that back. It wasn't at 20 night. I think it was around five in the 21 afternoon, but I'm not 100 percent, but it wasn't 22 at night. That's my mistake. I was let out at 23 night. 24 So anyways, I go to cross the border, 25 had a nice conversation, he scans my passport, and</p>	<p style="text-align: right;">Page 164</p> <p>1 me don't look back, don't make any moves. I'm 2 walking. I kind of looked to my left. I see a 3 bunch of cops were their hands on their hips to 4 the left of me. I'm walking back. I look to my 5 right, I see that all the border crossings are -- 6 no cars are going through, and like the same 7 formation is over on the right of me, behind the 8 little barrier. They have their hands on their 9 hips, right, I'm assuming near their guns. 10 I'm walking back. Then there's a voice 11 behind me that tells me come, come, come. Okay, 12 stop. Grabs my hand, handcuffs me, right, and 13 then him and all of the cops that had pulled that 14 formation on me escorted me inside. On my way 15 going inside to the building, I saw all the cars 16 are stopped up, all the traffic going from Sarnia 17 to Port Huron is stopped, right? And there's 18 literally a girl has her camera phone open and is 19 like videotaping me, you know, while I'm being 20 handcuffed and taken in for I don't know what. 21 As I'm being taken in, I asked one of 22 the cops why did you guys need to do that. I'm 23 sure you have in your computer that I've been 24 nothing but cooperative with you guys, and he said 25 oh, it's for your own safety, and I was like what</p>
<p style="text-align: right;">Page 163</p> <p>1 I've been waiting for it, and that red screen 2 popped up. 3 Q Was this your American passport? 4 A Yes. 5 So then he says keep your hands on the 6 steering wheel and look forward. I keep my hands 7 on the steering wheel, I'm looking forward. I'm 8 like okay. He's like I'm going to open the door, 9 keep your hands where I can see them. He had 10 pressed some kind of button. I didn't look around 11 to see what was going on. I'm just looking 12 forward kind of in disbelief, like okay, what's 13 going on. You know, I'm just going to listen to 14 everything he says. 15 He opens the door. He tells me to get 16 out of the car with my hands first. I turn, I get 17 out of the car, and I stand up. He says put your 18 hands up in the air and look forward. I'm looking 19 forward. Hands are up in the air, you know? He 20 pats me down. Then he tells me I want you to walk 21 out into the middle of the road until -- and 22 there's going to be a voice behind you. Until he 23 says to stop. 24 So I had my hands up in the air, I'm 25 walking, I'm kind of like laughing, and he tells</p>	<p style="text-align: right;">Page 165</p> <p>1 do you mean? He was like, oh, so we don't shoot 2 you, right? 3 I get taken to this back room. There's 4 no windows. I'm handcuffed, I'm sitting on the 5 ground. One of them tells me to take my shoes 6 off. I'm kind of doing it, but I'm a little slow. 7 I had never had anything happen, I'd never been 8 handcuffed, you know, never had this happen to me 9 before. 10 He takes my shoe, throws it against the 11 wall. He takes my other shoe, looks in it, throws 12 it against the wall, you know, and there's just 13 someone sitting there minding the door, and I'm 14 sitting there in my handcuffs, barefoot. He had 15 patted me down, all that. I'm sitting there 16 waiting, and I'm just like really? Like what is 17 going on, you know? 18 And I had someone that was waiting for 19 me on the other side, right, because he wanted to 20 go take me to dinner, and I was thinking about how 21 do I contact him, how do I contact my family, 22 because they're always worried every time I cross 23 the border, because they want to know what's going 24 on, right? 25 Eventually, after I don't know how long,</p>

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<p>1 it might have been one or two hours, they take me 2 out of this room with no windows, and they take to 3 me another room that nobody is in. There's people 4 that are being taken in and detained in a normal 5 room, and I'm in this other room where there's 6 nobody.</p> <p>7 They take my fingerprints, they take a 8 picture of me, and I tell them, listen, someone is 9 waiting for me on the other side. Can I make a 10 phone call? They said no. Can I call my dad, can 11 I let him know? They said no. Why are you guys 12 stopping me? They're not telling me. Why this, 13 why that. They're not telling me.</p> <p>14 Eventually they told me to unlock my 15 phone for them. I asked them what happens if I 16 don't. They said you have to. I unlocked my 17 phone for them. I saw them take my phone and plug 18 it into a computer.</p> <p>19 You know, I saw them coming and going, 20 and I'm sitting in this room, and it's cold, it's 21 freezing, and I have like a bunch of books just 22 like whatever in my car. All my clothes. It's my 23 mom's car. She had her stuff all over the place 24 and my stuff all over the place, and it's the same 25 deal. I see them coming and going, photocopying</p>	<p>1 phone? And look, like I had everything in there, 2 like text messages to girls, you know what I'm 3 saying? Like everything. This is my phone. I 4 got some music on there, I got pictures on there, 5 I have like little selfies close up to my face and 6 stuff, you know what I'm saying? Like this is my 7 personal device. Why do they have this? What 8 could they possibly do?</p> <p>9 And I'm aware of what happens to, you 10 know, how the FBI operates and what their modus 11 operandi is in terms of -- you know, I'm aware of 12 COINTELPRO. If they want something, they'll twist 13 your arm into doing it. It doesn't matter whether 14 or not you're innocent or anything like that.</p> <p>15 They'll hold whatever over your head, you know, be 16 it a personal situation, be it whatever, and 17 that's the truth, right?</p> <p>18 Anyways, then the drive is supposed to 19 take maybe five hours to get back. They gave me a 20 number -- sorry to backtrack. They gave me a 21 number, they said this is the number for ICE. 22 They didn't give it to me like on a formal paper. 23 They didn't give me anything. They wrote a number 24 on like a little sheet of paper. They gave it to 25 me. They said call these people, you'll have your</p>
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<p>1 papers, not telling me why I'm being held, not 2 being nice at all, being extremely callous toward 3 me.</p> <p>4 And I'm talking to them, hey, look, why 5 are you guys stopping me? Like what can I do? 6 All they referred me to was DHS TRIP, right? It 7 was just the same list for everything, but you 8 never get any answers. I couldn't make a phone 9 call. Eventually they said okay, and they called 10 my father for me, and they told my father, right, 11 but they didn't let me make the phone call.</p> <p>12 They ended up holding me for a good 13 seven and a half, eight hours, and they took my 14 phone, and like when I came to leave, they took my 15 phone and they said they're going to keep it, and 16 then in 24 hours someone would -- I was like, 17 well, how do I get my phone back? I don't live in 18 Michigan. I live in Indianapolis. How am I going 19 to get home? Because I don't know how to go home. 20 I'm a millennial. I'm a GPS baby. I don't know 21 how to get there, you know, especially from up in 22 Michigan.</p> <p>23 So then they tell me -- they just have 24 no answers for me, and then I'm like how do I get 25 my phone back? What do you mean you're taking my</p>	<p>1 phone in 24 hours. You can call them after 24 2 hours, and you should be able to get your phone. 3 They told me whatever they needed to tell me to 4 get me out of there. They gave me a number for 5 ICE.</p> <p>6 Then I ended up going -- I go to a pay 7 phone. I call my dad. I told him I finally got 8 out. This is like, I don't know, midnight, 1:00, 9 2:00 a.m. I don't know. He's like okay. I end 10 up like looking on a map, trying to figure out how 11 to get home. I ended up getting lost. I got home 12 at like 7:00 or 8:00 a.m., right?</p> <p>13 The next day, I waited 24 hours, I start 14 calling this number for ICE. It's like not even a 15 number people are supposed to call. I'm calling, 16 I'm like, hey, someone told me that this is the 17 number I should call. My phone was taken away 18 from me. I get hung up on. I'm like okay. I 19 started changing the last digit of the phone 20 number to get different offices in the building. 21 It was a 313 Detroit number. I'm calling, people 22 are literally hanging the phone up in my face. No 23 one is responding to me. I'm freaking out. I 24 don't know what to do. I ended up contacting 25 CAIR.</p>

<p style="text-align: right;">Page 198</p> <p>1 testimony.</p> <p>2 To be clear, I'm going to be very clear</p> <p>3 that I am not in any way, in any question, asking</p> <p>4 for any attorney/client privileged communications,</p> <p>5 so I'm not asking you to disclose those.</p> <p>6 MS. KONKOLY: However, Mr. Abbas,</p> <p>7 it is not appropriate for you to be</p> <p>8 interrupting your client in the middle of an</p> <p>9 answer when I have not asked for anything.</p> <p>10 You can speak an objection to my questions,</p> <p>11 but not interrupt your client in the middle</p> <p>12 of his answer.</p> <p>13 MR. ABBAS: You have regularly</p> <p>14 asked questions that the answer to those</p> <p>15 questions involve attorney/client</p> <p>16 communications. Sometimes you've asked</p> <p>17 directly for attorney/client privileged</p> <p>18 communications, and to the extent that your</p> <p>19 questions are asking for attorney/client</p> <p>20 privileged communications, I will remind and</p> <p>21 instruct the deponent not to reveal</p> <p>22 attorney/client privileged communications.</p> <p>23 That's absolutely how the rules work.</p> <p>24 MS. KONKOLY: Gadeir, you have an</p> <p>25 opportunity, after I ask a question, to state</p>	<p style="text-align: right;">Page 200</p> <p>1 objections in the middle of an answer.</p> <p>2 I would like to request that you</p> <p>3 refrain from making those kind of objections</p> <p>4 going forward. You have every opportunity,</p> <p>5 if you think my question out of bounds, to</p> <p>6 state your objection at that time. I think</p> <p>7 I've been very clear about how I'm not asking</p> <p>8 about any of that information.</p> <p>9 THE WITNESS: I have a question.</p> <p>10 BY MS. KONKOLY:</p> <p>11 Q You can ask a clarification question</p> <p>12 about a question that I ask you. Otherwise, I'm</p> <p>13 asking the questions and you're answering them.</p> <p>14 MR. ABBAS: There's no question</p> <p>15 pending, so let's have a question pending,</p> <p>16 and then we'll deal with it from there.</p> <p>17 BY MS. KONKOLY:</p> <p>18 Q So Agent Fout contacted you, he told you</p> <p>19 that he had your phone. What else did he tell</p> <p>20 you?</p> <p>21 A Okay. So I have a bit of a question.</p> <p>22 Q Is it a clarification question about the</p> <p>23 question that I asked you?</p> <p>24 A It's a question about like if I, if I</p> <p>25 want to waive the privilege for like a second and</p>
<p style="text-align: right;">Page 199</p> <p>1 your objection before your client starts</p> <p>2 speaking. Once he starts speaking, he has</p> <p>3 the opportunity to decide whether he wants to</p> <p>4 waive the privilege, and it is not</p> <p>5 appropriate for you to interrupt his answer.</p> <p>6 Your opportunity to make an objection is</p> <p>7 after I ask my question. That's when you</p> <p>8 make your objection. Okay?</p> <p>9 MR. ABBAS: That's your view, and I</p> <p>10 think we might have to agree to disagree</p> <p>11 about whether it's appropriate for me to,</p> <p>12 when you ask questions that regard</p> <p>13 attorney/client communications, to instruct</p> <p>14 my client to not provide attorney/client</p> <p>15 privileged information.</p> <p>16 If he wants to waive the privilege</p> <p>17 knowingly after I invoke it, I guess. So if</p> <p>18 you'd like to ask him would he like to waive</p> <p>19 the attorney/client privilege --</p> <p>20 MS. KONKOLY: Gadeir, the process</p> <p>21 is question, objection, answer. Question,</p> <p>22 objection, answer. The objection does not</p> <p>23 come in the middle of an answer. I would</p> <p>24 like the record to reflect that you have made</p> <p>25 a number of those improper assertions of</p>	<p style="text-align: right;">Page 201</p> <p>1 then bring it back.</p> <p>2 Can I do that?</p> <p>3 MR. ABBAS: I'm instructing the</p> <p>4 witness -- can I have a few minutes with --</p> <p>5 there's not a pending -- I guess there is</p> <p>6 kind of a pending question.</p> <p>7 MS. KONKOLY: We can take a</p> <p>8 60-second break.</p> <p>9 MR. ABBAS: Yeah, two minutes will</p> <p>10 probably be fine.</p> <p>11 THE WITNESS: Thank you. I've</p> <p>12 never done this before, you know what I'm</p> <p>13 saying?</p> <p>14 MS. KONKOLY: Please be back in 90</p> <p>15 seconds. We're running late.</p> <p>16 (Whereupon, a short recess was</p> <p>17 taken.)</p> <p>18 BY MS. KONKOLY:</p> <p>19 Q You were testifying about your</p> <p>20 conversations with Agent Fout. You said you</p> <p>21 received a call from him, that he told you that he</p> <p>22 had your phone.</p> <p>23 My question to you, which I'll repeat,</p> <p>24 is: What else did he tell you at that time?</p> <p>25 A Okay. So I got this phone call from</p>

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<p>1 Special Agent Arkin Fout, identified himself as 2 Special Agent Arkin Fout, and he told me that he 3 had my phone, right? And this comes after -- my 4 understanding was that my attorney had contacted 5 ICE after ICE had been unresponsive to me. My 6 understanding is that ICE told my attorney that 7 they had my phone, they wanted to talk. 8 My understanding also is that my 9 attorney told them that she would be willing to 10 engage them in a back-and-forth like written 11 correspondence, and then they -- my understanding 12 is that they completely went radio silence, hadn't 13 heard anything from them. 14 And then I had this incident on 15 October 22 at the airport in Chicago, and 16 basically I had heard nothing, right? And my 17 understanding also is that my attorney was 18 extremely explicit and said that you do not 19 contact Yaseen, you contact me, right? 20 So Arkin Fout called me. He said, 21 listen, he's like we have your phone -- I have 22 your phone. He said, you know, I understand that 23 you've had a lot of travel difficulties. He's 24 like, you know, I don't want to jam you up. He 25 said I know that you're a good guy. I know that</p>	<p>1 to be uncooperative, but if you could contact my 2 attorney, I'm willing to engage you guys, but I 3 want to stick with my rights. 4 Again, I was afraid of this man, and, 5 you know, I threw this out there just because I 6 didn't know what he was getting at, and I said I'm 7 just a broke college kid, like I'm just trying to 8 keep my head down and live my life. If I ever had 9 any information, of course, I'd directly go to the 10 authorities. 11 And he said, well, you're broke? 12 There's a way for us to fix that, right? He 13 mentioned, he said, oh, you're from a prominent 14 family in Benghazi. Basically he said he would 15 pay me. He said you're from a prominent family in 16 Benghazi, you know. I think that we could find an 17 arrangement that helps you the most. 18 Then I said, you know, sir, with all due 19 respect, I still want to stick to my attorney. 20 Then he said, well, call me before you call your 21 lawyer, okay? He basically told me not to talk to 22 my lawyer and then told me to contact him and to 23 give it some time and to think about it. 24 First thing I did was -- and when I 25 heard him tell me that he wanted me to go to a</p>
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<p>1 you want democracy in Libya. I know that you're a 2 good American and you want to help America, and I 3 think there's a way for us to -- and this is what 4 he told me. He said that this is -- he's like I 5 think there's a way for us to fix your travel 6 issues and kind of help us both, right? 7 And I said listen, man, I want to stick 8 to my attorney. I don't mean to be uncooperative, 9 you know. You know, I want to stick to my 10 attorney, I don't mean to be uncooperative, but I 11 just want -- I was like, you know, I just want to 12 stick with my attorney, and I don't want these 13 things, and he's like, look, you know -- he 14 basically said that, he said that if I stuck with 15 my attorney, that my travel difficulties would be 16 nearly impossible to get rid of. He said that 17 they're not going anywhere, right? And he said 18 that, you know, if we met informally without my 19 lawyers, things would be much easier. 20 And then I said like what? And then he 21 said I'll come down. He's like, you don't even 22 have to come to Detroit. I'll come down to 23 Indianapolis and I'll get a hotel room, and you 24 can meet me in my hotel room. And then I said, 25 you know, like with all due respect, I don't mean</p>	<p>1 hotel room, the first thing I thought was, okay, 2 I'm going to meet this guy in a hotel room in 3 downtown Indianapolis, I'm going to go up to his 4 room, and then I walk out, someone says I pressed 5 a detonator, is going to handcuff me and put some 6 kind of charge on me, because when this guy sees 7 me, he sees a guy that was in Libya, 8 Muslim-American. All he sees are dollar signs. 9 All he sees is, okay, this is a way for me to get 10 a promotion, right? That's the first thing that 11 went through my head, because that's how they do, 12 you know? So he went around my attorney, told me 13 to meet him in a hotel, not even in a hotel lobby. 14 In his hotel room, right? Like what is that? It 15 was insane. 16 So immediately what I did is I took my 17 phone apart, put it in like five different pieces, 18 and just like scattered around my house, went and 19 parked my car, walked a mile to a pay phone. I 20 ended up -- first thing I did was I got a calling 21 card, I called my dad in Libya. My dad said, 22 okay, call your lawyer immediately. I was scared 23 to call my lawyer, because I didn't know what this 24 guy would do to me. My dad told me to call my 25 lawyer. I was 22. I didn't know how to act. You</p>

<p style="text-align: right;">Page 206</p> <p>1 I know what I mean? Like this is the scariest thing 2 that ever happened to me. 3 I ended up calling my lawyer -- 4 MR. ABBAS: And I'm instructing the 5 witness not to reveal any attorney/client 6 privileged communications. 7 MS. KONKOLY: I'm going to again 8 note that you can object to my question, but 9 I would ask you to refrain from interrupting 10 your client. 11 MR. ABBAS: If you want, every 12 single question you ask, I'll now, from now 13 on and henceforth, make the same 14 attorney/client privilege objection. If you 15 want to do it that way, that's fine. 16 MS. KONKOLY: You can make the 17 objection after I ask my question, but you 18 cannot interrupt in the middle of an answer. 19 MR. ABBAS: That's not true. 20 That's your view, but that's not actually how 21 these things work. 22 THE WITNESS: Okay, so -- 23 MR. ABBAS: Was there a question 24 pending? Hold on. There's not a question 25 pending. What's the question that's pending?</p>	<p style="text-align: right;">Page 208</p> <p>1 those communications? 2 A My lawyer, as per my understanding. 3 Q Okay. 4 A So then I remember I had to go up to, go 5 up to Canada, so I stopped in Michigan to see my 6 lawyer. Then I went up to Canada, because my 7 brother had some kind of thing for his engagement 8 that I had to go be at, right? I mentioned it 9 before. He was engaged to a girl that was in the 10 Toronto area. 11 I went up there, and then like they had 12 like a little pre-Thanksgiving dinner or 13 something. I don't know if they have like 14 Canadian Thanksgiving. Whatever it was, we had 15 turkey at someone's house on my way back. Like 16 literally on my way back, I stopped at someone's 17 house, one of my brother-in-law's family's house, 18 and while I was there, I got a text message from 19 Arkin Fout. 20 And I don't know if it's in here, but I 21 have the verbatim on my phone -- on my email. I 22 remember seeing it the other day. What he said is 23 I hope you are thinking about what we -- like on 24 Thanksgiving he texted me, like, or whatever that 25 day was, you know? It's like I hope you're</p>
<p style="text-align: right;">Page 207</p> <p>1 BY MS. KONKOLY: 2 Q What happened next in your interactions 3 with Agent Fout? 4 A So then I wasn't comfortable talking to 5 my lawyer on the phone. I just feel like this is 6 important for me to say, like just the degree to 7 which like I was so paranoid after this. I told 8 her, look, I need to talk to somebody, and I can't 9 like say why. 10 I got the name of a lawyer in Michigan, 11 and I went up and spoke to the lawyer in Michigan. 12 As per my understanding, that lawyer immediately 13 sent out complaints and CC'd multiple important 14 people, including congressmen, and it was directly 15 in response to that, that that was express-shipped 16 back to me. 17 Q Directly -- can you explain directly in 18 response to what? 19 A Directly in -- so the only thing that 20 changed and the reason that I got that back, as 21 per my understanding, was the TRIP complaints, the 22 amendments made to my DHS TRIP, and the fact that 23 important congressmen and important people were 24 CC'd. 25 Q And how were they CC'd? Who initiated</p>	<p style="text-align: right;">Page 209</p> <p>1 thinking about what we had discussed over, you 2 know, not too long ago, and I hope that you're 3 having a good Thanksgiving. Like intimidating 4 stuff, you know what I'm saying? 5 So then immediately I just forwarded 6 whatever that was, I sent it to my lawyer. 7 MR. ABBAS: Again I'm instructing 8 the deponent not to reveal any 9 attorney/client privileged communications. 10 THE WITNESS: So then I -- 11 MS. KONKOLY: I'm going to again 12 note for the record that plaintiff's counsel 13 is interrupting his client in the middle of 14 his speech and directing his testimony. 15 MR. ABBAS: And I'll just for the 16 record note that because your questions are 17 consistently calling for information -- 18 MS. KONKOLY: You had an 19 opportunity to object to my question. 20 MR. ABBAS: I'm speaking. Can I 21 finish? 22 All right. Your questions are 23 calling for attorney/client privileged 24 communications, and so to the extent that 25 those come up in the course of the answers,</p>

<p style="text-align: right;">Page 234</p> <p>1 my thing, right? Went to the beach. They had 2 like surfing and stuff. Did all that. Ended up 3 taking -- flew up to Monterrey, and then from 4 Monterrey -- I booked a bus from Monterrey all the 5 way to Laredo in Texas. 6 I knew that when I got to the border, I 7 wanted to get off the bus before the bus crossed 8 the border, because I didn't want to hold up 9 everyone on the bus. I didn't want to be 10 humiliated in that way in front of everybody that 11 was on the bus. So I spoke to the bus driver, who 12 doesn't speak any English, I was like, listen, I 13 need to get off there, right? He's telling me no, 14 no, no. I just grabbed my stuff, I got off the 15 bus. 16 I walked all the way around, I don't 17 know how long, maybe a half mile, maybe a mile, to 18 the foot crossing for when you cross -- see, 19 that's what I mean like by "it's complicated," 20 because I took a bus up to the border, but I 21 didn't cross with the bus. I got off the bus, I 22 walk over to where you can cross by foot, and 23 that's how I crossed. 24 Did you want to hear that story about 25 what happened there?</p>	<p style="text-align: right;">Page 236</p> <p>1 me, some people behind me, just young kids that I 2 guess crossed over to have like a little good time 3 in Mexico and come back, that lived in Laredo or 4 something. 5 And to be honest, I looked like the 6 least criminalistic of all of them, you know what 7 I mean? And here I come, and then, you know, all 8 of a sudden they scan my passport, boom, right? I 9 get handcuffed in front of this whole crowd of 10 people. They're all looking at me like is this El 11 Chapo? I didn't know what was happening. 12 They handcuffed me. They took me into 13 the room. I see a room full of Cubans. I find 14 out later that Laredo is like a -- basically a lot 15 of Cubans present themselves at the Laredo border, 16 and then they end up getting like packages for 17 like asylum or whatever. A bunch of Cubans 18 sitting in the room looking at me like what did he 19 do, because I'm handcuffed outside of the room, 20 like to a bench, right, and like they kept me 21 handcuffed for a good four or five hours there. 22 So I was handcuffed. Basically they 23 took me in, same deal, but this time they were 24 like actually much more aggressive than at the 25 Canadian border, and I was like -- this time I was</p>
<p style="text-align: right;">Page 235</p> <p>1 Q In a minute. 2 So how many flights did you take inside 3 of Mexico altogether? 4 A I think three. I'm not sure. 5 Q What are the three that you remember, if 6 you could lay that out for me again? 7 A Monterrey to Mexico City. Mexico City 8 to Puerto Escondido. Puerto Escondido -- no, I 9 took a bus from Puerto Escondido to Oaxaca. 10 Oaxaca to Juarez -- and then a flight from Oaxaca 11 to Juarez to -- I think it was direct to 12 Monterrey, and then a bus over. 13 Q Okay. Were there any issues, delays, 14 barriers to any of that travel? 15 A Zero. Perfect. I was treated like a 16 normal human being. It felt good. 17 Q So let's get back to your recrossing 18 into the United States on August 11, 2015. Did 19 you have any issues making that border crossing? 20 A Absolutely. 21 So I walk over, right? And I'm walking 22 by myself, and I got my duffle bag, and I'm like, 23 I'm like okay, all right, here we go, you know? 24 So I'm walking through the like little walkway or 25 whatever. There's a bunch of people in front of</p>	<p style="text-align: right;">Page 237</p> <p>1 talking back a little bit. I said, look, you 2 know, I'm a medical student, I have my master's 3 degree, you know what I mean? And I have been 4 nothing but cooperative every single time, and 5 courteous, you know? Like why would you be 6 treating me this way? 7 I know this isn't -- like this is not 8 typical. I've never been kept handcuffed to a 9 seat. Even when I was handcuffed in Port Huron, 10 they ended up taking them off after a couple 11 hours. This one, they kept me there for a long 12 time, and they were tight, and they wouldn't 13 loosen them up. 14 And they started asking me questions. 15 They were like why are you crossing over, and I 16 didn't even have my cell phone with me. Because 17 I'm so used to it, what I did was I shipped my 18 cell phone back home, and I just crossed the 19 border. I would have crossed in a G string if I 20 could, you know what I mean? 21 I'm just kidding. Sorry. 22 So I crossed the border with nothing but 23 my passport in my pocket and my clothes, and I had 24 one book in my duffle bag, because this is the 25 routine, right? I'm just like -- I'm used to it.</p>

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<p style="text-align: right;">Page 238</p> <p>1 And they're just asking me questions, but this 2 time they asked me like what my religion was, what 3 mosque I went to, and I was like I'm not answering 4 that question. You know, like really? We're 5 going there? 6 And I asked them for some food. They 7 didn't bring me food for a long time. Didn't 8 allow me a phone call. It was really cold. They 9 were really rude. They ended up bringing me like 10 a crushed bag of Oreos and I think some chips, I'm 11 not sure, you know, but not like a good bag of 12 chips. It was like very little chips in the bag, 13 probably crushed, too. 14 And then like after I finished the chips 15 and the Oreos, I went to throw it away. I stood 16 up to throw it away, and then I went to drop it, 17 and then literally one of the guys made an 18 explosion sound after I dropped it, like boom, and 19 I turned around, and it was like did I really just 20 hear this guy just do that, you know. 21 And they held me for all the way to a 22 whole seven hours. I had to like memorize the map 23 of like Laredo, basically, so that -- they let me 24 out in the morning after like the whole seven 25 hours, let me loose into this random town. I</p>	<p style="text-align: right;">Page 240</p> <p>1 A Definitely not. 2 Q Did you make any social media postings 3 about it? 4 A No. That's something I'm happy I got 5 rid of. I no longer put my feelings up on social 6 media. Silver lining. 7 Q Is there anyone who was present there 8 you could identify as a witness to those events? 9 A No. 10 Q Okay. If we could go back to Exhibit A, 11 that's your original responses. I am looking at 12 page 18, paragraph 9 which states "ORD to LGA." 13 Can you elaborate what the travel 14 disclosed in that paragraph was? 15 A Okay. So after my lawsuit got to a 16 certain stage where it was then, you know, you 17 could Google it -- 18 Q Let me just start by ORD to LGA. Is 19 that O'Hare to LaGuardia, New York? 20 A Mm-hmm, yes, O'Hare to LaGuardia. 21 Q And what do you recall about this 22 travel? 23 A So this travel took place after you 24 could publicly find my name associated with the 25 lawsuits against the government that I was a part</p>
<p style="text-align: right;">Page 239</p> <p>1 ended up walking. I had to memorize where the 2 Greyhound station was. I walked over to the 3 Greyhound station, booked a bus ticket to -- I 4 think it was San Antonio, maybe all the way to 5 Dallas, and then from Dallas I took a bus all the 6 way back to Chicago. 7 That's paraphrasing the whole seven, 8 eight hours that I was stopped. 9 Q Okay. 10 A And they handcuffed me in front of a 11 bunch of people, asked me about my religion, made 12 an explosion sound when I threw away my bag of 13 chips that they gave me, kept me handcuffed to a 14 bench for an extremely long time, and they didn't 15 keep me in a room with anyone else. 16 Q Did you talk to anyone about your 17 experiences on this day? 18 A No. Maybe like somebody on the bus. 19 Q I'm sorry. Anybody aside from your 20 attorney about your experiences on that day. 21 A Okay. No. I mean not that I recall. 22 It's just routine at this point. So much has 23 happened, I forget. 24 Q Did you make any writings in any form 25 about this?</p>	<p style="text-align: right;">Page 241</p> <p>1 of, and I was like, okay, that's it, you know, my 2 name is out there. It's time to go to media, 3 because what's done is done, right? 4 I had been avoiding that, and it's 5 something I'm going to have to, you know, deal 6 with when I apply to residency next year is what 7 people can find about me online, right, and this 8 is some scary stuff is to be no-fly-listed at a 9 certain point in time. 10 So I was like, okay, let's talk to 11 Murtaza at The Intercept. A journalist named Ryan 12 Deveraux had covered -- at The Intercept, he had 13 covered my lawsuit, so it just made sense that, 14 you know, they would keep following my lawsuit and 15 do it in a little detail by interviewing me. 16 So this was my first time trying to fly 17 after that incident when they had denied me 18 flight, being able to get on the plane, and I go 19 to check in at the kiosk. They can't. I've tried 20 to check in online. They won't let me. I didn't 21 get any sleep the night before, of course, right? 22 Arguing with everybody, freaking out, like 23 stressed out about it. Went and tried to check in 24 online. Couldn't check in online. Go to the 25 kiosk. Couldn't check in at the kiosk.</p>

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<p style="text-align: right;">Page 262</p> <p>1 destination wedding in Cancun.</p> <p>2 Q When?</p> <p>3 A 2014 as well. One year there was a lot</p> <p>4 of weddings. I didn't go to that.</p> <p>5 I also think this is worth mentioning.</p> <p>6 I had applied to a lot of places for my master's</p> <p>7 program, and because of my placement on the no-fly</p> <p>8 list, I decided to go to the master's program at</p> <p>9 Rosalind Franklin. I had also gotten into Tufts</p> <p>10 University, which would have been my number one</p> <p>11 choice. I got into Boston University. I also</p> <p>12 wanted to go there. Those are both much better</p> <p>13 schools than the one I go to now. Both master's</p> <p>14 programs are designed to get you into the host</p> <p>15 medical school, but because it was so far away</p> <p>16 from my family, I chose to go to this school which</p> <p>17 has extremely high tuition, and it's just not as</p> <p>18 good a school.</p> <p>19 I also got into --</p> <p>20 Q When you say because it was so far away</p> <p>21 from your family, is that because you wanted to be</p> <p>22 close to your family?</p> <p>23 A Yeah, to visit my mom and dad when I</p> <p>24 like -- I don't want to have to drive from Boston,</p> <p>25 because Tufts and the other one are in Boston, you</p>	<p style="text-align: right;">Page 264</p> <p>1 for him. Family is extremely important to me, you</p> <p>2 know?</p> <p>3 Q You testified earlier, though, that you</p> <p>4 haven't had a single issue with any of the flights</p> <p>5 you've taken since the article about you in The</p> <p>6 Intercept was published; is that correct?</p> <p>7 A Right, yeah.</p> <p>8 Q And what date did that come out again?</p> <p>9 MR. ABBAS: Objection.</p> <p>10 Mischaracterizes his testimony.</p> <p>11 MS. KONKOLY: He answered the</p> <p>12 question.</p> <p>13 THE WITNESS: So I don't know the</p> <p>14 date of the article, but what I was referring</p> <p>15 to was my time when I was on the no-fly list.</p> <p>16 Now I have no intention of traveling overseas</p> <p>17 for fear of proxy detention, for countries</p> <p>18 that may have kept me on whatever list that</p> <p>19 they have.</p> <p>20 BY MS. KONKOLY:</p> <p>21 Q Okay. What do you mean by "proxy</p> <p>22 detention"?</p> <p>23 A So when the United States places people</p> <p>24 on certain select watchlists, this list is shared</p> <p>25 with foreign governments, right? So sometimes</p>
<p style="text-align: right;">Page 263</p> <p>1 know. I can't fly domestically or I couldn't fly</p> <p>2 domestically. Like when I was applying, I was</p> <p>3 applying for the year 2013/2014. Yeah, I got into</p> <p>4 those schools.</p> <p>5 I got into a few more, but those are the</p> <p>6 ones that I wanted to go to, and it was just</p> <p>7 like -- what made me go to the other school in</p> <p>8 Chicago, even though it was not as good an</p> <p>9 opportunity, was just because I -- you know,</p> <p>10 let's, God forbid, something happened, my parents</p> <p>11 both have their own respective health issues. My</p> <p>12 dad has had a few heart attacks. My mom has got a</p> <p>13 ton of like back issues and needs like knee</p> <p>14 replacements and is always doing rehab for</p> <p>15 something. Both my parents were born in the '50s,</p> <p>16 so I just like -- I didn't want to leave the</p> <p>17 midwest. So there's that.</p> <p>18 Additionally, yeah, I mean I'm just --</p> <p>19 like I said, yeah, I mean it's just this reality</p> <p>20 of like I have family all over world, and if</p> <p>21 something happens to someone, if an event happens,</p> <p>22 I didn't have that option of going there, you</p> <p>23 know? When my uncle fell into -- when he fell</p> <p>24 into his coma, and like he hasn't been the same</p> <p>25 since, you know, I drove cross-country to be there</p>	<p style="text-align: right;">Page 265</p> <p>1 when people who are on watchlists travel to</p> <p>2 countries that are not bound by US laws, yet have,</p> <p>3 you know, these people listed as, you know, known</p> <p>4 as suspected terrorists or such, they then get</p> <p>5 detained by those respective governments, right?</p> <p>6 So this is something that's happened to</p> <p>7 many people before. People have been detained in</p> <p>8 Turkey. People have been detained in -- I've read</p> <p>9 stories about people detained in Turkey. I've</p> <p>10 read stories about people detained in Kenya, in</p> <p>11 Morocco. It's something that happens, you know?</p> <p>12 Other governments are not as -- you know what I</p> <p>13 mean? They torture. They do it openly. I mean,</p> <p>14 sure, I guess we do it here, too, but thankfully</p> <p>15 the United States government is not anywhere near</p> <p>16 as bad as the other ones.</p> <p>17 So for that fear, I'm not going to</p> <p>18 travel other places. That's a reality I have to</p> <p>19 face. I, you know, I understand how slow</p> <p>20 government bureaucracies work, and overseas</p> <p>21 they're not any better, right? So it's just a</p> <p>22 reality that I was on these lists. Those</p> <p>23 countries that had -- that this list may have been</p> <p>24 shared with may not have taken me off.</p> <p>25 MS. KONKOLY: Let me introduce the</p>

Exhibit C

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ANAS ELHADY, ET AL.,
Plaintiffs,

v.

Case No.

CHARLES H. KABLE, ET AL.,
Defendants.

16-cv-00375

DEPOSITION OF AHMAD AL HALABI

DATE: Friday, February 23, 2018

TIME: 10:01 a.m.

LOCATION:

U.S. Department of Justice
Civil Division
20 Massachusetts Avenue, NW
Washington D.C. 20001

REPORTED BY: Michael Farkas, Notary Public

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1 On behalf of Plaintiffs:</p> <p>2 LENA MASRI, ESQUIRE</p> <p>3 Council on American-Islamic Relations</p> <p>4 453 New Jersey Avenue, SE</p> <p>5 Washington, D.C. 20003</p> <p>6 lmasri@cair.com</p> <p>7 (202) 640-4934</p> <p>8</p> <p>9</p> <p>10 On behalf of Defendants:</p> <p>11 DENA M. ROTH, ESQUIRE</p> <p>12 Department of Justice, Civil Division</p> <p>13 200 Massachusetts Avenue, NW</p> <p>14 Washington, D.C. 20001</p> <p>15 dena.m.roth@usdoj.gov</p> <p>16 (202) 514-5108</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>1 WHEREUPON,</p> <p>2 AHMAD AL HALABI</p> <p>3 called as a witness, and having been sworn by the</p> <p>4 notary public, was examined and testified as follows:</p> <p>5 EXAMINATION BY COUNSEL FOR DEFENDANTS</p> <p>6 BY MS. ROTH:</p> <p>7 Q Good morning, Mr. Halabi.</p> <p>8 A Good morning to you.</p> <p>9 Q My name is Dena Roth, I represent the</p> <p>10 defendants in this case. I'll be taking your</p> <p>11 deposition today.</p> <p>12 A Okay.</p> <p>13 Q Before we start, I'd like to go over a few</p> <p>14 things that I find hopefully make this day a little</p> <p>15 easier, a little clearer.</p> <p>16 A Mm hmm.</p> <p>17 Q So the first thing I want to ask you is if</p> <p>18 you understand that you just took an oath, that's the</p> <p>19 same oath as if you were in a courtroom to tell the</p> <p>20 truth; do you understand that?</p> <p>21 A Mm-hmm. Yes.</p> <p>22</p>																																
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">C O N T E N T S</p> <table border="0"> <tr> <td>EXAMINATION BY:</td> <td style="text-align: right;">PAGE</td> </tr> <tr> <td>By Ms. Roth</td> <td style="text-align: right;">4</td> </tr> <tr> <td>By Ms. Masri</td> <td style="text-align: right;">183</td> </tr> <tr> <td>By Ms. Roth</td> <td style="text-align: right;">190</td> </tr> </table> <p>6</p> <p style="text-align: center;">E X H I B I T S</p> <table border="0"> <tr> <td>No. DESCRIPTION</td> <td style="text-align: right;">PAGE</td> </tr> <tr> <td>Exhibit A Copy of complaint</td> <td style="text-align: right;">14</td> </tr> <tr> <td>Exhibit B Plaintiff's First Set of Discovery Responses</td> <td style="text-align: right;">18</td> </tr> <tr> <td>Exhibit C Itinerary Detroit Michigan April 30, 2012</td> <td style="text-align: right;">45</td> </tr> <tr> <td>Exhibit D Los Angeles, 8/23/13 - 9/13/13 - Expedia</td> <td style="text-align: right;">58</td> </tr> <tr> <td>Exhibit E Delta Itinerary - June 2014</td> <td style="text-align: right;">70</td> </tr> <tr> <td>Exhibit F 2016 - ticket for Emirates flight</td> <td style="text-align: right;">90</td> </tr> <tr> <td>Exhibit G Letter from DHS - 10/15/12</td> <td style="text-align: right;">112</td> </tr> <tr> <td>Exhibit H Letter from DHS - 7/7/14</td> <td style="text-align: right;">116</td> </tr> <tr> <td>Exhibit I Travel inquiry form</td> <td style="text-align: right;">118</td> </tr> <tr> <td>Exhibit J Page from Halabi passport dated 2012</td> <td style="text-align: right;">122</td> </tr> <tr> <td>Exhibit K Halabi redacted court-martial (Exhibits attached to transcript.)</td> <td style="text-align: right;">158</td> </tr> </table> <p>21</p> <p>22</p>	EXAMINATION BY:	PAGE	By Ms. Roth	4	By Ms. Masri	183	By Ms. Roth	190	No. DESCRIPTION	PAGE	Exhibit A Copy of complaint	14	Exhibit B Plaintiff's First Set of Discovery Responses	18	Exhibit C Itinerary Detroit Michigan April 30, 2012	45	Exhibit D Los Angeles, 8/23/13 - 9/13/13 - Expedia	58	Exhibit E Delta Itinerary - June 2014	70	Exhibit F 2016 - ticket for Emirates flight	90	Exhibit G Letter from DHS - 10/15/12	112	Exhibit H Letter from DHS - 7/7/14	116	Exhibit I Travel inquiry form	118	Exhibit J Page from Halabi passport dated 2012	122	Exhibit K Halabi redacted court-martial (Exhibits attached to transcript.)	158	<p style="text-align: right;">Page 5</p> <p>1 Q Because we're on the record and because the</p> <p>2 court reporter is with us today, it's very important</p> <p>3 that all of your answers to my questions be verbal and</p> <p>4 audible. So, in other words, whenever I ask a</p> <p>5 question, please make sure that you give a yes or a no</p> <p>6 or whatever other answer you have, and that you state</p> <p>7 so clearly so that it can be captured by the court</p> <p>8 reporter, okay?</p> <p>9 A Yes.</p> <p>10 Q Okay. Relatedly, it's also extremely</p> <p>11 important that we do our best not to interrupt each</p> <p>12 other, which I realize is very easy to do and neither</p> <p>13 of us will mean offense by doing it, but to make sure</p> <p>14 that the record is clear, please wait until I finish</p> <p>15 my question before you answer it, and I will endeavor</p> <p>16 not to interrupt you when you are answering a</p> <p>17 question; is that clear?</p> <p>18 A It's clear.</p> <p>19 Q Thank you. If you need me to clarify my</p> <p>20 question, feel free to ask me to do so. Otherwise, if</p> <p>21 you answer my question, I will assume that you</p> <p>22 understood my question; is that fair?</p>
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<p style="text-align: right;">Page 74</p> <p>1 Q You traveled to Canada?</p> <p>2 A Yes, that's correct.</p> <p>3 Q You described here, obviously, a lot that's</p> <p>4 happened. What do you remember about this incident?</p> <p>5 A Well, we -- I wanted to take my wife to</p> <p>6 Niagara Falls, and me, my dad, and my sister -- my</p> <p>7 sister came from California to see -- to meet my wife.</p> <p>8 And we all wanted to, you know, go on a family trip.</p> <p>9 So me, my brother, my wife, my sister, my dad, we all</p> <p>10 drove through Canada. We had a good time in Niagara</p> <p>11 Falls for three days -- three days, two nights, I</p> <p>12 think or something, and then we came back.</p> <p>13 Crossing the bridge was -- you know, as soon</p> <p>14 as we -- as soon as I gave all of the passports, the</p> <p>15 agent was scanning through, and you could hear a green</p> <p>16 light. You know, deet, deet, deet (makes sounds).</p> <p>17 And when mine was scanned, like, err, err, err (makes</p> <p>18 sounds); you hear that noise as if, you know,</p> <p>19 something wrong.</p> <p>20 So the agent said something to the effect of</p> <p>21 don't move, and he called in into his mic, and -- as</p> <p>22 if something happened -- something terrible happened.</p>	<p style="text-align: right;">Page 76</p> <p>1 me in a holding cell.</p> <p style="padding-left: 40px;">The cell was concrete. There's</p> <p>2 nothing. There's -- there was a toilet and just a</p> <p>3 seat, just concrete, I think, I don't know what it --</p> <p>4 what it was. And it was very cold.</p> <p>5 And I was like, you know, this is how -- not</p> <p>6 how we normally do it, but let me see the manager.</p> <p>7 Let me talk to a supervisor. Like, we'll get to you.</p> <p>8 You sit tight. And some time passed. I -- I don't</p> <p>9 know how much.</p> <p>10 It was -- actually, when we arrived, it was -</p> <p>11 - it was late at night, so it was already late, I</p> <p>12 think 11:00 or something at night.</p> <p>13 And I called for a supervisor. She came.</p> <p>14 She asked me what's your mobile PIN number. I'm like,</p> <p>15 I'll give it to you, no problems. I gave her my PIN</p> <p>16 number, and --</p> <p>17 Q Can you just explain what you mean by that?</p> <p>18 Your cell -- like your cellphone number?</p> <p>19 A Yeah. Cellphone PIN code, so she wants to</p> <p>20 access my cone (sic) --</p> <p>21 Q I see. Okay.</p> <p>22 A -- my phone. All right. Probably about an</p>
<p style="text-align: right;">Page 75</p> <p>1 So he came out. He asked me to step out of the car.</p> <p>2 Two or three other agents came, and as soon as I</p> <p>3 exited, he took my hand, put it on the back, he shoved</p> <p>4 me on the car -- van. And he said, you know, this is</p> <p>5 for your safety. We're going to handcuff you. I'm</p> <p>6 like, this never happens. Let's talk about it. I</p> <p>7 know how things go. Like, be quiet.</p> <p>8 And I looked to the right, and you see all of</p> <p>9 these cars just -- you know, lights, lots of lights,</p> <p>10 lots of cars just looking at me being arrested. My</p> <p>11 daughter from inside the car was -- started screaming</p> <p>12 because now she sees me being handcuffed, and she was</p> <p>13 terrified. My sister started crying.</p> <p>14 And I was handcuffed, and I didn't have</p> <p>15 anything on me, I just had a T-shirt. So we were</p> <p>16 walking to the holding cell, it was like, you know,</p> <p>17 don't -- don't talk, don't walk, we're just going to</p> <p>18 talk about it inside.</p> <p>19 So they took me inside, asked me to take off</p> <p>20 my shoes. I took off my shoes. I was -- you know,</p> <p>21 they took everything I had, so cellphone, wallet,</p> <p>22 everything, money, whatever I had, watch, and they put</p>	<p style="text-align: right;">Page 77</p> <p>1 hour passed. The -- the cell -- the holding cell was</p> <p>2 -- was very, very cold. A lot of lights, and there</p> <p>3 was only a very small window that you can talk to</p> <p>4 people through, probably a foot -- one foot by one</p> <p>5 feet. And everything was concrete. My feet were</p> <p>6 frozen, my -- I was shivering, it was just cold.</p> <p>7 I -- I mean, I had like a flashbacks of the</p> <p>8 time being in Guantanamo. And that's when -- that's</p> <p>9 how prisoners were in that holding cell. Terrified,</p> <p>10 not knowing what happened with my family or my dad.</p> <p>11 My dad was with me, my sister, and the kids and my</p> <p>12 wife. She was pregnant. So the last thing we need is</p> <p>13 more trouble. So I was hoping that, you know, they</p> <p>14 would let them go or something.</p> <p>15 About an hour later, they came back and they</p> <p>16 gave me my shoes, and they put me -- or they let --</p> <p>17 left me for -- for I don't know how much time, maybe</p> <p>18 another 30 minutes or so, and then they said, we're</p> <p>19 going to move you to be with your family. So I walked</p> <p>20 out, and I saw my family just all sitting down, very</p> <p>21 small chairs, very uncomfortable. My dad couldn't</p> <p>22 stand, himself. He -- he looked extremely tired. My</p>

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<p style="text-align: right;">Page 78</p> <p>1 sister, she was with him, she's a doctor. And he --</p> <p>2 he had this heart condition where you need to put the</p> <p>3 pill under your tongue. They're like, do we need to</p> <p>4 call you an ambulance, and he said no, just let us go.</p> <p>5 So the kids were all sleeping by that time,</p> <p>6 and there was nowhere to sleep, so they were on the</p> <p>7 laps, my dad, my sister, my wife. I took one of them</p> <p>8 also, and we were just waiting and waiting and waiting</p> <p>9 to see what's going on. No questions.</p> <p>10 Every time I asked, maybe every half an hour,</p> <p>11 any updates, like, just wait. We will call you.</p> <p>12 Very, very rude people. They -- they didn't want to</p> <p>13 answer any questions. They didn't want to provide any</p> <p>14 -- any water, any food, or, you know, at least let my</p> <p>15 dad go and sit in the car or, you know -- it was very,</p> <p>16 very cold. It was a very cold night. Nope. Didn't</p> <p>17 happen. My dad -- we were -- we were three cars. So</p> <p>18 my brother passed through with his car, then he came</p> <p>19 back after probably two hours or three hours, you</p> <p>20 know, just to check on us. So he dropped off his</p> <p>21 family, and he came back to the border.</p> <p>22 So as soon as he walked in, like, what're you</p>	<p style="text-align: right;">Page 80</p> <p>1 Everything all -- papers and, you know, food and</p> <p>2 everything was just -- it was a mess. They messed it</p> <p>3 all up. I don't know what they were looking for.</p> <p>4 There's nothing.</p> <p>5 And then, yeah, so we drove home, finally,</p> <p>6 and we had a flight out two days later. But before</p> <p>7 that, after we reached home, the following day -- I</p> <p>8 believe it was the following day or maybe two days</p> <p>9 later -- one or two days after the incident, two FBI</p> <p>10 agents knocked on the door and like, can we talk to</p> <p>11 you? I'm like, of course you can talk to me, come in.</p> <p>12 So I asked them to come in into the house, gave them</p> <p>13 coffee, tea, whatever, and we just sat there. They</p> <p>14 sat for about three hours in my brother's house, and</p> <p>15 we were just talking about it, you know, what</p> <p>16 happened.</p> <p>17 We talked about the incident. And one of the</p> <p>18 agents, he's like, I'm the person -- I'm the authority</p> <p>19 for the Canada bridge, and as soon as I received the</p> <p>20 clearance request, I cleared you. I'm like, why did -</p> <p>21 - why did it take them four hours to clear me, I mean,</p> <p>22 if you cleared me immediately? I don't know to -- the</p>
<p style="text-align: right;">Page 79</p> <p>1 doing here? You -- he's like, I'm -- I'm asking about</p> <p>2 my family, what's going on with my family. Like,</p> <p>3 nope, you go sit there. Don't say anything. So very</p> <p>4 rude to them -- to him also. They put him in a</p> <p>5 different room, a different holding -- not holding but</p> <p>6 waiting room. So he -- he -- he didn't even -- he was</p> <p>7 not allowed to talk to us, even an attempt. Like, we</p> <p>8 want to say something, you know, what happened, no, be</p> <p>9 quiet. Shut up, don't say anything, to -- to that --</p> <p>10 to that effect.</p> <p>11 It was about 4:30 in the morning when they</p> <p>12 told us that -- they called my name, and they said you</p> <p>13 can go. They gave us my passport -- our passports</p> <p>14 back, and they said we're going to hold onto your</p> <p>15 iPhone. They asked for a mailing address so in case</p> <p>16 that phone would be mailed back. I assume that it's</p> <p>17 not going to be mailed back anymore, so it -- it was -</p> <p>18 - I didn't care. I just want to get out of there.</p> <p>19 Extremely terrible experience.</p> <p>20 And then we were let go, so we went to the</p> <p>21 car, and we found the car upside down. They -- it was</p> <p>22 like a dog was sitting there for two hours.</p>	<p style="text-align: right;">Page 81</p> <p>1 answer to that question. And, you know, I asked him</p> <p>2 about the phone. He said, you know, this is something</p> <p>3 -- a process that has to be taken to -- it's a process</p> <p>4 that needs to take place, I don't know. I assume they</p> <p>5 copied everything. I don't care. I've got nothing to</p> <p>6 hide.</p> <p>7 And one day before our travel -- so I think</p> <p>8 we stayed for three days after the incident, so when</p> <p>9 did we travel out, the 25th? Anyways, just one day</p> <p>10 before we traveled, I received the phone back in the</p> <p>11 mail. But that was probably the worst -- very, very</p> <p>12 worst experience that I ever had, especially with my</p> <p>13 dad and my sister and everyone. I mean, being</p> <p>14 arrested like that -- the -- the kids seeing me like</p> <p>15 that, and it was terrifying.</p> <p>16 Q How long, if you recall, were you with the</p> <p>17 FBI agents that next day?</p> <p>18 A About three hours in my house -- my brother's</p> <p>19 house.</p> <p>20 Q What more do you remember about that</p> <p>21 questioning?</p> <p>22 A They were fairly reasonable people. I mean,</p>

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<p style="text-align: right;">Page 82</p> <p>1 one was a supervisor. The other person was -- he 2 didn't say much. And, actually, he offered that next 3 time if I would ever come to Detroit, I would give him 4 a call, and he would come to the airport, we would 5 have a discussion, and he would let me go. He gave me 6 his card, and -- and, actually, I was relieved at that 7 point, you know, because now someone is -- on the 8 inside knows, hopefully, it would make things clearer, 9 better, faster. Well, unfortunately, the next time I 10 wanted to travel, I called, and they said he was 11 transferred, so that -- that wasn't help. So yeah. I 12 was -- we discussed everything. I mean, we discussed 13 the case, the background, Syria again, the whole nine 14 yards. 15 Q The case -- 16 A It seemed like -- 17 Q You mean your Air Force case? 18 A Yes. Seems like deja vu every time. I mean, 19 I kind of knew the line of questions that they want go 20 through. 21 Q Did I understand correctly, though, that the 22 day before when you were at the border and being held,</p>	<p style="text-align: right;">Page 84</p> <p>1 that next day, you did not expect them to show up; 2 they just showed up? 3 A They just showed up. Yeah. I didn't expect 4 anyone. Actually, my family were very scared. I'm 5 like, relax, it's only the FBI. But, you know, why -- 6 you know, why they're here -- so I just took them to 7 the upstairs, and we just sat. They were very, very 8 scared but I wasn't. Yeah. 9 Q Was -- 10 A (Inaudible) not some scary people. 11 Q Was this occasion -- this incident in June of 12 2014, was this the first time that you had been back 13 at a U.S. land border crossing since the time from 14 Tijuana -- 15 A Yes. 16 Q -- almost 10 years earlier? 17 A Yes, that's correct. 18 Q So you returned from -- you returned back to 19 Dubai on July 2nd? 20 A Hmm, yeah, I think so. 21 Q So on Page 9 of Exhibit B, Paragraph 3, see 22 where it says July 2, 2014 in --</p>
<p style="text-align: right;">Page 83</p> <p>1 you were not questioned, you were just simply held? 2 A Yes. 3 MS. MASRI: Objection. Misstate -- 4 THE WITNESS: Well, that's -- 5 MS. MASRI: One -- sorry. Objection. 6 Misstates prior testimony, but go ahead. 7 THE WITNESS: One thing they -- they said 8 they want to do was to take my 10 fingers, so they -- 9 they took my 10 finger -- 10 BY MS. ROTH: 11 Q Your fingerprints, you mean? 12 A Fingerprints, yes. But other than that, it 13 was not a lot of questioning as usual, and they said 14 they're waiting for clearance. 15 Q Do you know whether anyone else in your 16 family was questioned during that time period? 17 MS. MASRI: Objection. Calls for 18 speculation. 19 BY MS. ROTH: 20 Q Well, I asked if you know, so -- 21 A No. I don't know. 22 Q When the FBI agents came to your brother's</p>	<p style="text-align: right;">Page 85</p> <p>1 A Yes. 2 Q -- Paragraph 3? 3 A Yes. 4 Q So this is your return on this trip? 5 A Mm-hmm. Yes. 6 Q You traveled from Detroit to Atlanta and then 7 I assume from Atlanta on back to Dubai? 8 A That's correct. 9 Q It says your boarding pass was stamped with 10 the 4-S's? 11 A That's correct. 12 Q Anything else about that return trip in terms 13 of what you experienced? 14 A I believe my wife's boarding pass was also 15 stamped, and not the children. So we -- we both had 16 to go through security, but with more concentration on 17 me, and not as eventful. I mean, normal -- the 18 normal, again, fiasco of going through security and 19 the mess -- a supervisor would come, they would search 20 thoroughly, and they asked me a few questions, and, 21 you know, they would let go -- let me go. 22 Q Do you remember your wife's boarding pass</p>

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<p style="text-align: right;">Page 134</p> <p>1 somewhere.</p> <p>2 Q Okay. I think we'll ask for that</p> <p>3 information. So if you could give that to your</p> <p>4 counsel.</p> <p>5 So aside from Bank of America and the issues</p> <p>6 you just described, have you ever had a problem wiring</p> <p>7 money out or receiving money by wire in the United</p> <p>8 States?</p> <p>9 A No.</p> <p>10 Q Are there any other difficulties that you've</p> <p>11 experienced with financial institutions, aside from</p> <p>12 the Bank of America, that you attribute to your</p> <p>13 allegations in this case?</p> <p>14 MS. MASRI: Objection as to form. Go ahead</p> <p>15 and answer if you know.</p> <p>16 BY MS. ROTH:</p> <p>17 Q And again, I'm asking specifically about</p> <p>18 financial institutions?</p> <p>19 A Um hmm. No. That is the -- that is the one</p> <p>20 bank. Yeah.</p> <p>21 Q Have you ever sponsored anyone to become a</p> <p>22 U.S. citizen?</p>	<p style="text-align: right;">Page 136</p> <p>1 active duty and I was -- I interviewed for a few jobs,</p> <p>2 I've got a couple of classes left to graduate. And I</p> <p>3 was ready, I found a house, was ready to settle in in</p> <p>4 Orange County. But my wife's visa was not approved.</p> <p>5 The first time took like three -- three or four</p> <p>6 months, now it's been six months, seven months, eight</p> <p>7 months and they're not even saying anything.</p> <p>8 So I had to make that call to go to Dubai and</p> <p>9 see what the situation is. I went and I stayed with</p> <p>10 the wedding party, whatever. And I came back, waited</p> <p>11 a little bit more, nothing happened. And I had to</p> <p>12 make that decision, very, very difficult decision to</p> <p>13 move because I wanted to be with my wife. And so I</p> <p>14 had to uproot everything that I -- that I'd done here.</p> <p>15 Sold what I had to sell, gave up, you know, apartment</p> <p>16 and everything and I moved to Dubai.</p> <p>17 And I stayed there for three months, hoping</p> <p>18 that things would -- you know, maybe she would get</p> <p>19 approved and we move back, because we haven't done</p> <p>20 anything yet. So I stayed with my in-laws in her --</p> <p>21 in their houses.</p> <p>22 Q This is in Dubai?</p>
<p style="text-align: right;">Page 135</p> <p>1 A Yes. We -- we've got different things here</p> <p>2 going on with this issue. I first submitted</p> <p>3 sponsorship to my wife, which then was my fiancé. So</p> <p>4 I was in the Air Force and I went to the JAG Office,</p> <p>5 they drafted the document saying that this is so-and-</p> <p>6 so, he needs his wife, approve his visa, with some</p> <p>7 backup. We sent that document to the embassy and that</p> <p>8 was approved immediately. So she got her visa. That</p> <p>9 was a fiancé visa.</p> <p>10 Q I'm sorry to interrupt you. Would this have</p> <p>11 been sometime around 2004?</p> <p>12 A Yes.</p> <p>13 Q Okay.</p> <p>14 A Well actually, earlier. 2002.</p> <p>15 Q Okay.</p> <p>16 A Yeah. So given my military service and</p> <p>17 whatever happened next, as far as the case and things,</p> <p>18 she wasn't able to use that visa and that was expired.</p> <p>19 So they give you a visa for six months. She came in -</p> <p>20 - my wife came, or fiancé then, came in 2004, we got</p> <p>21 married, now the case turned into an I-130. It is now</p> <p>22 a wife. That case stayed pending. I finished the</p>	<p style="text-align: right;">Page 137</p> <p>1 A In Dubai and one hour from Dubai, in</p> <p>2 (inaudible) it's called. Nothing happened, then I</p> <p>3 started looking for a job, because I thought this is</p> <p>4 going to be a long process. We waited years, not</p> <p>5 months. So from 2005, '6, '7, '8, '9, '10, '11, '12 I</p> <p>6 think sometime 2012 or '13 we finally received would</p> <p>7 from USCIS that you are -- your visa is being</p> <p>8 processed. Now you start paying the fees, you submit</p> <p>9 the documents, the originals, you know, all of that,</p> <p>10 which we did.</p> <p>11 A few more month later we get called by the</p> <p>12 embassy to come to the embassy and get the visa</p> <p>13 stamped, which was amazing. You know, because it's so</p> <p>14 many steps that you have to do. Medical, shots, x-</p> <p>15 rays, you know, you gather all that, sponsorship from</p> <p>16 the states. You have to show that you're domiciled in</p> <p>17 the states, that you want to go back and live and it's</p> <p>18 so much. It's a huge process. So we did that, we</p> <p>19 paid everything and we went for the interview.</p> <p>20 Interview went great. They said, just drop</p> <p>21 off your Syrian passport, come back Monday. Simple as</p> <p>22 that. I came back Monday to pick up the passport, and</p>

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<p style="text-align: right;">Page 138</p> <p>1 you think said, well, your passport is not ready 2 because it's going to go under security process, 3 security clear -- there's a term, security clearance 4 or something like that. 5 How long? They said, we'll let you know. 6 About eight month or nine month later that we get 7 called. They said, your passport is ready. So that's 8 how long it took. I went to get -- to get the 9 passport. They gave me the passport, I found the visa 10 that was stamped two days after the interview date, 11 but now the visa is expired because the visa is only 12 six months. 13 So I'm like, the visa's expired, I'm glad I 14 checked. And she's like, oh, yeah. Let me get that 15 passport back. So they took the passport back. And 16 we had to wait probably another two weeks to get the - 17 - you know, about -- I don't know how long, probably a 18 week or so to get a new visa now. And that's when she 19 was approved for that -- for that visa. 20 So something that normally takes, you know, a 21 couple of years, it took us, I think, almost, I don't 22 know nine -- eight -- eight years or nine years.</p>	<p style="text-align: right;">Page 140</p> <p>1 applied almost in the same month. Her friend received 2 a letter to come and interview for citizenship four 3 months later. My wife, to date she has not received 4 anything. We're still waiting to get a date for an 5 interview. So now we're talking about almost nine -- 6 nine months, almost nine month later and I think it's 7 all because of this case or this complaint or my case, 8 or whichever you want to put it under. 9 So that is now affecting not only me and, you 10 know, I have to explain to my wife, and explain to the 11 kids. Because now the kids misses their -- they miss 12 their grandparents and, you know, back in Dubai. My 13 wife's sister is getting married. She was supposed to 14 get married in the spring, now in a couple of months, 15 but since my wife cannot leave while an N-400 is 16 pending for the U.S. citizenship, she cannot leave and 17 -- or she doesn't want to leave until we get that 18 citizenship and she cannot enter UAE anyways. 19 Q Why is that? 20 A Because you need a sponsor or you need a visa 21 and for Syrians, no, there's no visas available. So 22 she has to have a U.S. citizen or passport. They UA</p>
<p style="text-align: right;">Page 139</p> <p>1 Q The passport you're describing right now, 2 this is your wife's passport? 3 A Yes. 4 Q So this would be the U.S. passport, which 5 will have her visa in it? 6 A The Syrian passport. 7 Q It's a Syrian passport -- 8 A Yes. 9 Q -- with a U.S. visa? Okay. 10 A Yes. 11 Q Has she since become a U.S. citizen? 12 A That is another story. We applied -- well, 13 now that she entered in 2015 and there is time limit 14 that she has to wait before she can apply for 15 citizenship, which is 18 month plus one day, in the 16 states, and three years as a permanent resident, which 17 she met -- she met those requirements, I did apply -- 18 or we did apply in May of 2017. And a month later we 19 received a letter to go and get the fingerprints, 20 which means the process was going smooth in the 21 beginning. 22 Normally my wife and her -- her friend</p>	<p style="text-align: right;">Page 141</p> <p>1 government have stop giving visas for Syrians for one 2 reason or another. 3 So now her sister's wedding is postponed, 4 hopefully end of the summer, if things go as planned, 5 you know, my wife would get citizenship, she get the 6 passport and travel to -- to see the wedding. But 7 that is still now in the air, we don't know. That is 8 one case. 9 A second case is my sister. My sister is a 10 doctor, she's a midwife, she delivers. It's the 11 second one, one in California, one in Syria, the third 12 one was a pharmacist, she died. But my sister's house 13 was destroyed in Syria, Damascus. So she had to live 14 with some family and she was given like a five foot I 15 want to say second room, on top of a room, you know, 16 so the height of that room is five foot and that's 17 where she's been -- she stayed for almost a year after 18 her house destroyed. 19 And she -- she works for the UNICEF, the 20 United Nations Children Fund, whatever. She teaches - 21 - she lectures on, you know, safe practices about 22 woman's health and all of that and babies and she</p>

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<p style="text-align: right;">Page 142</p> <p>1 delivers babies.</p> <p>2 But eventually she -- she couldn't stay there</p> <p>3 anymore so she became a refugee and now she moved to</p> <p>4 Jordan -- sorry, to Egypt. So she moved to Egypt.</p> <p>5 She was, like, kicked out of the house, right? So she</p> <p>6 couldn't stay anymore. She is now in Egypt, as a</p> <p>7 refugee. We've been sending her money every year --</p> <p>8 every month to pay for rent, because you can't work.</p> <p>9 She had to work as a maid, or as a cleaning houses</p> <p>10 just to pay for food. And I did apply for her to</p> <p>11 travel -- to -- to immigrate to the states.</p> <p>12 Now there's a program in USCIS where if</p> <p>13 someone is a -- is from a crisis country, like Syria,</p> <p>14 they can come in as a refugee. And that process is</p> <p>15 way much faster than a normal process. Because if a</p> <p>16 brother applies to a sibling, that takes about 12</p> <p>17 years, talk about extreme vetting. And if that</p> <p>18 process is under the refugee, if she is registered</p> <p>19 with the U.N., she would fall under -- I don't know</p> <p>20 what that code is, R1 or R -- some -- PS2 or something</p> <p>21 like that, one of those codes. The U.N. would help</p> <p>22 her to get the visa. And if -- if someone applies for</p>	<p style="text-align: right;">Page 144</p> <p>1 would -- it's -- it's only you take the information,</p> <p>2 you approve it and you just wait in line, right?</p> <p>3 Because they don't ask for anything, normally. I have</p> <p>4 not been able to send a response yet, because I've</p> <p>5 been trying to get my sister to give me something.</p> <p>6 You know, they wanted pictures of, you know,</p> <p>7 whatever wreckage, they want, you know, evidence of</p> <p>8 payments, you know, just to see why she's a refugee.</p> <p>9 Well, at least she's registered in the UA -- U.N. and</p> <p>10 those people already made that decision so -- but</p> <p>11 anyways, that's the process now, that's how people go</p> <p>12 through. So now I think that is also connected to my</p> <p>13 case, because they have not approved the case.</p> <p>14 My sister is still living in hell, even</p> <p>15 though in Egypt, but Egypt is not a very good country</p> <p>16 to live, believe me. And I can't tell her -- you</p> <p>17 know, I just tell her, you're in line, just wait and</p> <p>18 be patient, things will get better. And we're sending</p> <p>19 her money just to make ends meet or to -- for her to</p> <p>20 live, she and her husband only living alone. All of</p> <p>21 her other family, one -- one daughter she went to</p> <p>22 Germany, and the -- they're all over the place. One</p>
<p style="text-align: right;">Page 143</p> <p>1 her to travel, they would link that -- that file to</p> <p>2 the, you know, immigration and she'd get approved in</p> <p>3 like a couple years or so.</p> <p>4 So I did apply last year for her. And</p> <p>5 normally when you apply you get a receipt for the</p> <p>6 payment that you made, which is 5 - \$600. And then</p> <p>7 you get a priority date, which says your file is now</p> <p>8 approved, we've got all the -- all the information,</p> <p>9 this is your priority date. You just wait, right?</p> <p>10 Until a visa number becomes available.</p> <p>11 That second receipt has not arrived, which</p> <p>12 normally takes three months or so. And now when I</p> <p>13 called the U.N. -- well, not the U.N., I called --</p> <p>14 communicated with these people at the -- the program</p> <p>15 under DHS, they actually sent us a letter saying that</p> <p>16 you may be eligible for that program, for my brother.</p> <p>17 We -- they told us to call the USCIS and say to -- to</p> <p>18 at least approve the I-130 so we can help you.</p> <p>19 I called and in December of last year I</p> <p>20 received a letter saying, we need more evidence, send</p> <p>21 us whatever evidence you want, you know, so we can</p> <p>22 review that case, which never normally the case. They</p>	<p style="text-align: right;">Page 145</p> <p>1 in Egypt but in a total different city, was also</p> <p>2 living with some people. It's a mess.</p> <p>3 Q Are these adult children?</p> <p>4 A Yeah.</p> <p>5 Q So you described the immigration situation</p> <p>6 with your wife and then the situation with your</p> <p>7 sister. Are there any other immigration related</p> <p>8 applications or statuses that you believe are linked</p> <p>9 to you?</p> <p>10 MS. MASRI: Objection. Calls for</p> <p>11 speculation. Calls for a legal conclusion.</p> <p>12 THE WITNESS: Not related to me exactly, I</p> <p>13 mean, directly. I mean I have not petitioned to -- to</p> <p>14 anyone except for these two. However, when my dad</p> <p>15 petitioned for my two other brothers, who are in</p> <p>16 Syria, they also lost their house, they're living very</p> <p>17 horrible situations. We applied in the beginning of</p> <p>18 that civil war in 2012. And that immediately got</p> <p>19 approved. So those -- now approved, they have a</p> <p>20 priority date and they're waiting. But since they're</p> <p>21 not in a country that has that program where the U.N.</p> <p>22 would accept, you know -- I mean one brother is still</p>

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<p>1 in Syria, the other one is in Malaysia, so that</p> <p>2 country doesn't have that program. So they're not</p> <p>3 able to get the benefit of this USCIS program. So</p> <p>4 those two situations are connected to me but my</p> <p>5 brothers are pending and they're going, in process.</p> <p>6 Q Describe for me a little bit more about why</p> <p>7 you think that your wife and your sister's situation</p> <p>8 are attributable to your situation.</p> <p>9 MS. MASRI: Objection. Calls for a legal</p> <p>10 conclusion. Objection as to form. Go ahead and</p> <p>11 answer if you know.</p> <p>12 THE WITNESS: I mean, I don't know. To me</p> <p>13 the thing is other people apply and they get faster</p> <p>14 process. When I apply it gets extremely slow. My</p> <p>15 wife, you know, from the beginning, from her beginning</p> <p>16 visa got even longer than expected. And now the</p> <p>17 citizenship is even longer. Even my children's Social</p> <p>18 Security was delayed in the embassy. Normally you get</p> <p>19 it in two weeks, a new Social Security when -- when a</p> <p>20 child is -- is born. My oldest child had hers in I</p> <p>21 think eight months. So a new Social Security doesn't</p> <p>22 take eight months. An I-130 doesn't take nine months</p>	<p>1 Q Other than the delay that you just mentioned</p> <p>2 with your Social Security numbers for your children,</p> <p>3 did you encounter any other issues or delays with</p> <p>4 securing your children's citizenship in the United</p> <p>5 States?</p> <p>6 A No. That has been okay. But we can still go</p> <p>7 back to the issue of, you know, we had to move, we had</p> <p>8 to make -- we had to -- to raise a family outside of</p> <p>9 the U.S., which was never the intention. And the</p> <p>10 education level and the, you know, benefits that the</p> <p>11 children can get outside is way much different than</p> <p>12 here. You know, you would want to raise your children</p> <p>13 in the U.S. system, you know, education and medical</p> <p>14 and, you know, way of life. And my children had to</p> <p>15 miss that for the past whatever 11 years. You know?</p> <p>16 My -- my daughter, when she first came, she came at</p> <p>17 six years old and we permanently moved when she was</p> <p>18 nine. You know, and that affected every --</p> <p>19 everything.</p> <p>20 Q Were all of your children born abroad?</p> <p>21 A Yes.</p> <p>22 Q Has anyone told you -- has anyone from DHS or</p>
Page 147	Page 149
<p>1 to -- or nine years to approve. An N-400 doesn't take</p> <p>2 now almost ten months to approve. I mean, all these</p> <p>3 cases fall in the one percent of the cases that USCIS,</p> <p>4 you know, processes.</p> <p>5 Q How did -- how are you coming to that</p> <p>6 knowledge about what the usual or quote/unquote normal</p> <p>7 processing time is?</p> <p>8 A Because I read. I read --</p> <p>9 Q What are you reading?</p> <p>10 A -- I read the law, I read the -- the -- you</p> <p>11 know, the statistics. I'm pretty good in analyzing</p> <p>12 data and I -- you know, I -- I look at the stats of</p> <p>13 the approved cases and I look at, you know, the normal</p> <p>14 timing for -- for those things and I immediately can</p> <p>15 connect, you know, that this is something they did to</p> <p>16 me.</p> <p>17 Q The statistics and the timing that you're</p> <p>18 talking about, are those -- is that information you're</p> <p>19 seeing on some government, you know, sourced website</p> <p>20 or other literature that comes from the government?</p> <p>21 A Yeah. USCIS.com or .org. Sorry, .gov. The</p> <p>22 websites.</p>	<p>1 any other federal government agency told you that any</p> <p>2 of the delays or other issues with your wife or your</p> <p>3 sister's immigration status is because of you?</p> <p>4 A No one would ever tell you that. No.</p> <p>5 Q You allege, in this lawsuit, that you're on a</p> <p>6 watch list, right?</p> <p>7 A Yes.</p> <p>8 Q Do you believe you're still on a watch list?</p> <p>9 A I can't -- you tell me. I don't know. I</p> <p>10 hope not. I mean, given that the improvements of the</p> <p>11 travel, I -- I think that's one aspect of it, which</p> <p>12 has been improved, but I don't think it's fully clear</p> <p>13 whether I'm still on some sort of watch list or not.</p> <p>14 Q Has anyone at all, whether working for the</p> <p>15 government or not, ever said to you, using the word</p> <p>16 "watch list" that you were on a watch list?</p> <p>17 MS. MASRI: Objection. I'm going to instruct</p> <p>18 you not to reveal any attorney/client privileged</p> <p>19 information. If you can answer without revealing that</p> <p>20 information, go ahead. Otherwise, state that you</p> <p>21 can't.</p> <p>22 THE WITNESS: No.</p>

Exhibit D

1 IN THE UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF VIRGINIA

3
4 ANAS ELHADY, et al.,

5 Plaintiff,

6 v.

Civil Action No.:

7 CHARLES H. KABLE, et al.,

1:16-cv-375(AJT/JFA)

8 Defendant.

9
10 Washington, D.C.

11 Wednesday, January 17, 2018

12 Deposition of:

13 [REDACTED]
14 called for oral examination by counsel for Defendant,
15 pursuant to notice, at Department of Justice, 20
16 Massachusetts Avenue, NW, Washington, D.C., before
17 Natalia Thomas, a Notary Public in and for the District
18 of Columbia, beginning at 10:37 a.m., when were present
19 on behalf of the respective parties:
20
21
22

Elhady vs. Kable

Page 2	Page 4
<p>1 A P P E A R A N C E S</p> <p>2 On behalf of Plaintiff:</p> <p>3 LENA F. MASRI, ESQUIRE</p> <p>4 Council on American-Islamic Relations (CAIR)</p> <p>5 453 New Jersey Avenue, SE</p> <p>6 Washington, D.C. 20003</p> <p>7 lmasri@cair.com</p> <p>8 (202) 742-6420</p> <p>9</p> <p>10 On behalf of Defendant:</p> <p>11 DENA M. ROTH, ESQUIRE</p> <p>12 United States Department of Justice</p> <p>13 20 Massachusetts Avenue, NW</p> <p>14 Washington, D.C. 20001</p> <p>15 dena.m.Roth@usdoj.gov</p> <p>16 (202) 514-5108</p> <p>17</p> <p>18 Also Present:</p> <p>19 Melissa A. Pachikara, FBI</p> <p>20 Jennifer Greenband, TSA</p> <p>21</p> <p>22</p>	<p>1 P R O C E E D I N G S</p> <p>2 WHEREUPON,</p> <p>3 [REDACTED]</p> <p>4 called as a witness, and having been sworn by the</p> <p>5 notary public, was examined and testified as follows:</p> <p>6 MS. ROTH: Thank you. Good morning. My name</p> <p>7 is Dena Roth and I represent the defendants in this</p> <p>8 action.</p> <p>9 Before we get started with the questioning</p> <p>10 today I'd like to go over a few rules to help make sure</p> <p>11 that this goes smoothly, if that's all right?</p> <p>12 THE WITNESS: Sure. Yeah.</p> <p>13 MS. ROTH: The first question I want to make</p> <p>14 sure you understand is that you just took an oath to</p> <p>15 tell the truth. That's the same kind of oath as if you</p> <p>16 were in court, even though we're obviously not in</p> <p>17 court. So I want to make sure you understand that all</p> <p>18 of your answers today are being provided under oath.</p> <p>19 THE WITNESS: Yes, ma'am.</p> <p>20 MS. ROTH: You're already doing great with</p> <p>21 giving me audible answers but I do just want to remind</p> <p>22 you that because we have a court reporter in the room</p>
Page 3	Page 5
<p>1 C O N T E N T S</p> <p>2 WITNESS: [REDACTED] PAGE</p> <p>3 By Ms. Roth 6</p> <p>4</p> <p>5 E X H I B I T S</p> <p>6 EXHIBIT DESCRIPTION PAGE</p> <p>7 Exhibit A Complaint 16</p> <p>8 Exhibit B Plaintiff's first discovery</p> <p>9 responses 18</p> <p>10 Exhibit C Plaintiff's second discovery</p> <p>11 Reponses 21</p> <p>12 Exhibit D Request for documents 24</p> <p>13 Exhibit E Copies of board passes 62</p> <p>14 Exhibit F Travel itinerary Aug. - Dec. 2017 63</p> <p>15 Exhibit G Baby Doe 2 copy of passport 66</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 (*Exhibits attached to transcript.)</p> <p>21</p> <p>22</p>	<p>1 who's recording everything we're saying, it's very</p> <p>2 important that she be able to capture what I say and</p> <p>3 what you say, and so I'll ask, every time I ask a</p> <p>4 question, that you make sure to give me a verbal</p> <p>5 response; do you understanding?</p> <p>6 THE WITNESS: Okay. Yes, I do.</p> <p>7 MS. ROTH: Relatedly, it's obviously very</p> <p>8 nature and easy to interrupt each other or talk over</p> <p>9 each other. But because of the court reporter and</p> <p>10 making sure we have a clear record, I'm going to ask</p> <p>11 that we both be very careful to not interrupt each</p> <p>12 other and not cut each other off. So I'll ask that you</p> <p>13 wait until I finish my question before answering. And</p> <p>14 I will certainly wait until you finish answering the</p> <p>15 question before I ask another question. Do you</p> <p>16 understand?</p> <p>17 THE WITNESS: Okay. I do.</p> <p>18 MS. ROTH: Thank you. Any time you answer a</p> <p>19 question today I'm going to assume that you understood</p> <p>20 the question, but I want to make sure that you know</p> <p>21 that if you don't understand my question, you can</p> <p>22 absolutely ask me to clarify it, okay?</p>

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1 THE WITNESS: Yes.

2 MS. ROTH: And one of the unique circumstances

3 of today's deposition is that you are going to -- I'm

4 going to be asking you questions not only about you,

5 but also about your child and so when I ask a question

6 I will do my best to make sure I'm being specific about

7 whether or not I'm asking about your experiences or

8 whether or not I'm asking about your child's

9 experiences.

10 THE WITNESS: Okay.

11 MS. ROTH: But it's not clear to you who I'm

12 asking about, please do tell me and I'll make sure to

13 clarify. Okay.

14 THE WITNESS: Okay. Yeah.

15 MS. ROTH: Okay.

16 EXAMINATION BY COUNSEL FOR DEFENDANT

3 (Pages 6 - 9)

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4 Q Okay. I'm going to ask a series of questions
5 now that are going to sound strange in the light of the
6 fact that I'm asking it -- them -- I'm asking you to
7 answer them about your son, who is -- just turned
8 three.
9 Does your son have a bank account?
10 A He does not.
11 Q He does not? Have you ever tried to open a
12 bank account for your son?
13 A I have not.
14 Q Have you ever tried to wire money to anyone in
15 your son's name, like on behalf of your son?
16 A No.
17 Q Have you, so not your son but you, have you
18 ever sponsored anyone to become a United States
19 citizen?
20 A My wife.
21 Q And was that resolved positively, she became a
22 citizen?

21 (Pages 78 - 81)

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1 A No, it was horrible actually. It's been
2 almost two years we applied for her citizenship, her
3 N400. I know they state it takes approximately five
4 months and it's been almost two years now. She's been
5 in -- waiting for an interview since -- since August of
6 2017, so it's been six months now waiting for an
7 interview where she should have been done with the
8 whole process.

9 Q Where is she is a citizen of?

10 A Jordan.

11 Q To your knowledge is she a citizen of any
12 other country?

13 A She is not.

14 Q Okay. But your son is a citizen of the United
15 States, right?

16 A He is.

17 Q Have you sponsored anyone else other than your
18 wife for citizenship?

19 A I have not.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

Exhibit E

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ANAS ELHADY, et al.,

Plaintiffs,

vs.

Case No.: 1:16-cv-375

CHARLES H. KABLE, et al.,

Defendants.

DEPOSITION OF: HASSAN SHIBLY

DATE: February 12, 2018

TIME: 10:26 a.m. to 4:33 p.m.

LOCATION: Department of Justice
20 Massachusetts Avenue, N.W.
Washington, D.C. 20001

REPORTED BY: Felicia A. Newland, CSR

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<p>1 And what really stuck out, it wasn't one of those</p> <p>2 instances where I was like -- not that it would</p> <p>3 justify, but I wasn't snarky, I wasn't having an</p> <p>4 attitude, I wasn't just the Lawyer Shibly that you</p> <p>5 see before you today, you know, I was, I believe,</p> <p>6 you know, maybe Law Student Shibly, Student Shibly.</p> <p>7 And I didn't expect to be in handcuffs when I'm</p> <p>8 driving my grandmother to take her home.</p> <p>9 I mean, there were -- the officers</p> <p>10 were relatively polite, I remember, at that time.</p> <p>11 He said, "Look, we want to search you, but for our</p> <p>12 safety we're going to want to put you in handcuffs.</p> <p>13 There's no choice."</p> <p>14 Okay. And it was the first time, I</p> <p>15 remember, and never having broken the law, besides</p> <p>16 again maybe a speeding ticket, or something like</p> <p>17 that, a minor traffic infraction just to be honest,</p> <p>18 which wasn't at that incident, being put in</p> <p>19 handcuffs while they searched me. Growing up, it</p> <p>20 was a traumatizing experience.</p> <p>21 I believe that may have been the --</p> <p>22 the incident where there was sort of some hint</p>	<p>1 long it was, but we were left go. And then the</p> <p>2 next day, when we were going back and was being</p> <p>3 stopped again. And I'm trying to sort of shift</p> <p>4 through my memory and this may clarify later,</p> <p>5 because, like I said, the difficult thing with this</p> <p>6 is they all merge together.</p> <p>7 There was the time when my</p> <p>8 grandmother -- and I don't remember if it was in</p> <p>9 the interrogatories here or in the original</p> <p>10 complaint, we were driving back with my</p> <p>11 grandmother, I don't remember the exact date or if</p> <p>12 it's the exact incident or not, I can double-check</p> <p>13 quite easily, but just speaking from my memory, the</p> <p>14 date I was driving back with my grandmother and she</p> <p>15 ended up being in the hospital, you know. And I</p> <p>16 think it was just the stress of what we had to go</p> <p>17 through at CBP and being held for hours. That's</p> <p>18 the gist of what I recall.</p> <p>19 Q So let's look back at the complaint.</p> <p>20 So that's Exhibit 1.</p> <p>21 A Uh-huh.</p> <p>22 Q I think if you go to paragraph 273 of</p>
Page 75	Page 77
<p>1 through conversation, although these kind of</p> <p>2 conversations happened on more than one occasion</p> <p>3 of, hey, you're on some sort of list, we've got to</p> <p>4 do what we've got to do. Like, it's not me, don't</p> <p>5 blame me -- the officer -- it's not me looking at</p> <p>6 you looking like a Muslim and wanted to pick you</p> <p>7 out. It's, I've got to do what I've got to do,</p> <p>8 type of thing.</p> <p>9 So that's what I remember, just being</p> <p>10 put in handcuffs for the first time. What hurt the</p> <p>11 most about it was having your own grandmother sort</p> <p>12 of being a witness to that. You know, you don't</p> <p>13 want your grandma seeing you in handcuffs no matter</p> <p>14 what, because it hurts her heart, she loves you.</p> <p>15 And you hope that she doesn't think anything bad of</p> <p>16 you, but at the same time, you don't want her</p> <p>17 seeing you in handcuffs.</p> <p>18 So I remember that. And I remember</p> <p>19 taking her to her sister's house. You know, I</p> <p>20 think at that time being fingerprinted and</p> <p>21 photographed. And then, you know, I don't remember</p> <p>22 particularly right now off the top of my head how</p>	<p>1 your complaint.</p> <p>2 A Wait, what did you say, paragraph</p> <p>3 273?</p> <p>4 Q Yes. That's on page 45 at the</p> <p>5 bottom.</p> <p>6 A Okay.</p> <p>7 Q Do you see where it says, "On</p> <p>8 November 25, 2009"?</p> <p>9 A Yes. Yes.</p> <p>10 Q If you could just take an opportunity</p> <p>11 to read through the next few paragraphs --</p> <p>12 A Yes.</p> <p>13 Q -- and see if that helps refresh your</p> <p>14 recollection.</p> <p>15 A Thank God, that was adding up with</p> <p>16 what I recall. Because I definitely remember it</p> <p>17 was in Michigan going in in handcuffs. I will</p> <p>18 never forget -- like whenever I -- now, whenever I</p> <p>19 cross the bridge between Michigan and Canada, I</p> <p>20 always remember the handcuffs.</p> <p>21 Yes, and I remember being warned by</p> <p>22 the officer that I would likely receive the same</p>

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<p>1 treatment on the way back. And I remember the</p> <p>2 1022s being mentioned as well. I don't know what</p> <p>3 that means. I remember being stopped by armed</p> <p>4 officers. And yes -- so yeah, my grandmother was</p> <p>5 with me. It was that date when she fainted and she</p> <p>6 was sent to the hospital. I couldn't even go with</p> <p>7 her. Here I am an American citizen, I verified my</p> <p>8 ID, being held for God knows why, and my</p> <p>9 grandmother had to go to the hospital.</p> <p>10 So that was one of the most troubling</p> <p>11 times, really because of the handcuffs and seeing</p> <p>12 what happened to my grandmother. Again, for no</p> <p>13 reason.</p> <p>14 Q Do you remember, was it just you and</p> <p>15 your grandmother on this trip?</p> <p>16 A Most likely it would have just been</p> <p>17 my grandma and myself, yes. I don't recall there</p> <p>18 would have been anyone else with us at the time.</p> <p>19 Q When it says that she fainted and</p> <p>20 then was taken by ambulance to a hospital, do you</p> <p>21 recall that being once you were already back in</p> <p>22 Buffalo? You were at the Buffalo --</p>	<p>1 It's easy to smile and talk about it now, it wasn't</p> <p>2 easy to go through.</p> <p>3 Q I understand.</p> <p>4 A Yeah.</p> <p>5 Q Let's turn back to Exhibit 2.</p> <p>6 A Sure.</p> <p>7 Q So you --</p> <p>8 A Sure.</p> <p>9 Q Back to the top of page 9.</p> <p>10 A Sure. Sure. Sure. Sure. Page 9,</p> <p>11 yes.</p> <p>12 Q Top of page 9. And this -- I don't</p> <p>13 mean to be nitpicky --</p> <p>14 A Sure, exactly.</p> <p>15 Q -- I just want to make sure it's</p> <p>16 clear for the record, on November 26, 2009, it</p> <p>17 says, "Plaintiff Shibly exited the United States by</p> <p>18 car at the Lewiston-Queens Bridge border crossing,"</p> <p>19 is it possible "exited" should say "entered,"</p> <p>20 because you were -- the day on the 25th --</p> <p>21 A Oh, correct.</p> <p>22 Q -- you drove out of Buffalo through</p>
Page 79	Page 81
<p>1 A I believe this was at the Buffalo --</p> <p>2 I don't remember -- I'd have to double-check the</p> <p>3 notes, maybe it was Lewiston-Queens, which exact</p> <p>4 point of entry around Buffalo, but I remember it</p> <p>5 the hospital. And I believe it was just not far at</p> <p>6 all from the point of entry.</p> <p>7 Q So she would have entered into</p> <p>8 Buffalo and the ambulance --</p> <p>9 A Correct.</p> <p>10 Q -- took her somewhere --</p> <p>11 A Correct.</p> <p>12 Q -- alone?</p> <p>13 A Correct.</p> <p>14 Q Meaning not with you?</p> <p>15 A Yes, as far as I remember. And</p> <p>16 that's part of what sucked about it, pardon my</p> <p>17 language, is they took her and I'm still stuck</p> <p>18 there. Now it's the added stress of why is my</p> <p>19 government stopping me, when are they going to let</p> <p>20 me out, and my grandmother is at the hospital, is</p> <p>21 she okay, and why are we being subjected to all of</p> <p>22 this again. It was a very traumatic experience.</p>	<p>1 Ontario in to Detroit, where you had the issues you</p> <p>2 described --</p> <p>3 A Correct.</p> <p>4 Q -- the next day you drove back</p> <p>5 through Ontario and then entered the United</p> <p>6 States --</p> <p>7 A Yeah.</p> <p>8 Q -- to Buffalo?</p> <p>9 A Maybe it just should have said,</p> <p>10 exited to the United States or exited Canada to</p> <p>11 the -- but yes, you're -- it's correct, what you're</p> <p>12 saying is correct.</p> <p>13 Q That's fine. And, again, I don't</p> <p>14 mean to be nitpicky, it's just I wanted to make</p> <p>15 sure it's clear.</p> <p>16 A No, I appreciate that opportunity for</p> <p>17 a clarification correction.</p> <p>18 Q Okay. Is there anything else about</p> <p>19 this November trip that you remember but you</p> <p>20 haven't said yet?</p> <p>21 A The key things that -- giving a</p> <p>22 document that the car and electronics were</p>

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<p style="text-align: right;">Page 278</p> <p>1 Q Okay. The discovery requests, I'm</p> <p>2 stating for the record, do continue through -- you</p> <p>3 know, through this litigation and so --</p> <p>4 A Do you want me to forward you a copy</p> <p>5 every time I travel?</p> <p>6 Q You should be giving that information</p> <p>7 to your counsel, yes.</p> <p>8 A Okay. That's fine. I mean, a lot of</p> <p>9 that I booked, frankly, within the last week or</p> <p>10 two.</p> <p>11 Q Whatever there is, you'll talk to</p> <p>12 your counsel about it.</p> <p>13 A Yeah.</p> <p>14 Q Okay. Moving to a different topic.</p> <p>15 Do you have a bank account in the United States?</p> <p>16 A Absolutely.</p> <p>17 Q Have you ever had a problem opening a</p> <p>18 bank account in the United States?</p> <p>19 A Not that I recall.</p> <p>20 Q Okay. Have you ever had one closed,</p> <p>21 you know, against -- in a way that was not of your</p> <p>22 choosing?</p>	<p style="text-align: right;">Page 280</p> <p>1 Q So no --</p> <p>2 A Nothing memorable.</p> <p>3 Q But no memories of any problems --</p> <p>4 A Correct.</p> <p>5 Q -- being able to do that to</p> <p>6 contribute to your allegations in this case?</p> <p>7 A Correct. Not that I recall, no.</p> <p>8 Q Okay. You testified earlier that you</p> <p>9 became a U.S. citizen a long time ago?</p> <p>10 A Correct.</p> <p>11 Q And I believe that you also said that</p> <p>12 your wife is naturalized U.S. citizen, right?</p> <p>13 A Yes.</p> <p>14 Q Did you sponsor her immigration</p> <p>15 process?</p> <p>16 A I did, and it took forever to get</p> <p>17 cleared. And then she ultimately got denied level</p> <p>18 entry, as did I. And we are certain that it</p> <p>19 happened because of her connection with me and we</p> <p>20 were both quite upset about that.</p> <p>21 Q So let's -- let's first talk about</p> <p>22 just the immigration status.</p>
<p style="text-align: right;">Page 279</p> <p>1 A I had a savings account close, but I</p> <p>2 want to say maybe because I didn't put enough</p> <p>3 balance in there. I'm not alleging in that</p> <p>4 particular incident it was the government. So not</p> <p>5 that I recall, no. But I definitely got a lot of</p> <p>6 complaints, a lot of calls from Muslims that I know</p> <p>7 who have had their accounts closed.</p> <p>8 Q Okay. Just to be clear, I'm asking</p> <p>9 about your personal --</p> <p>10 A No. Personally, as far as I recall,</p> <p>11 I haven't had any of my own accounts close.</p> <p>12 Q And you haven't had any problem</p> <p>13 opening any?</p> <p>14 A Not that I recall, no issue.</p> <p>15 Q First question here now is have you</p> <p>16 ever wired money from the United States to somebody</p> <p>17 else?</p> <p>18 I will clarify that, to somebody else</p> <p>19 outside the United States?</p> <p>20 A There's nothing that stands out in my</p> <p>21 memory. That's not to say I never did, but there's</p> <p>22 nothing that rings a bell.</p>	<p style="text-align: right;">Page 281</p> <p>1 A Yes.</p> <p>2 Q Do you -- you said that it --</p> <p>3 A Took longer than what I think is</p> <p>4 normal. You know, I think it was held up and I</p> <p>5 think it was probably held up because of her</p> <p>6 affiliation with me.</p> <p>7 Q Did anyone tell you that?</p> <p>8 MS. MASRI: I'm going to object and</p> <p>9 instruct you to answer the question, only if you</p> <p>10 can answer without revealing attorney-client</p> <p>11 privilege.</p> <p>12 BY MS. ROTH:</p> <p>13 Q Did anyone other than your attorneys</p> <p>14 tell you that?</p> <p>15 A Not that I recall right now.</p> <p>16 Q Your wife did ultimately become a</p> <p>17 U.S. citizen?</p> <p>18 A She did.</p> <p>19 Q How long did it take from start to</p> <p>20 finish?</p> <p>21 A I don't remember, but it took a</p> <p>22 while, you know, to the point where we were</p>

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<p style="text-align: right;">Page 282</p> <p>1 considering litigation.</p> <p>2 Q Can you please give me some better</p> <p>3 sense than "a while"?</p> <p>4 A I really would have to double-check</p> <p>5 with her.</p> <p>6 Q More than a year?</p> <p>7 A Probably.</p> <p>8 Q More than two years?</p> <p>9 A I don't know. Maybe -- I want to</p> <p>10 guesstimate between a year or two, but honestly,</p> <p>11 it's one of many issues that we are dealing with,</p> <p>12 so I don't know off the top of my head. I don't</p> <p>13 want to give you anything wrong, so I would have to</p> <p>14 double-check.</p> <p>15 Q How did you come to an understanding</p> <p>16 of what a quote, unquote, normal process would</p> <p>17 take?</p> <p>18 A Well, I mean, I'm an attorney and I</p> <p>19 know a lot of people that apply, we help a lot of</p> <p>20 people that apply, I've hired an immigration</p> <p>21 attorney to work for me full-time in my capacity at</p> <p>22 CAIR, so we see what's normal and what's not, and</p>	<p style="text-align: right;">Page 284</p> <p>1 targeting people because of their religion.</p> <p>2 So I get a lot of calls from people</p> <p>3 within the community that their naturalization</p> <p>4 process is taking a year or two or much more, and</p> <p>5 often it's not resolved until you get an</p> <p>6 attorney, a writ of mandamus, I think that's</p> <p>7 the -- or other legal action to get it sped up.</p> <p>8 And from what I recall, we were</p> <p>9 really getting -- just getting ready with the</p> <p>10 attorney -- I don't want to get into the</p> <p>11 conversations, but her attorney who is not</p> <p>12 present right now to --</p> <p>13 MS. MASRI: Don't divulge any</p> <p>14 communications with --</p> <p>15 BY MS. ROTH:</p> <p>16 Q But you didn't end up having to take</p> <p>17 legal action, correct?</p> <p>18 A We didn't at the last minute.</p> <p>19 Q Okay.</p> <p>20 A Well, let me hold up on that. We</p> <p>21 didn't file suit, that's not to say that her</p> <p>22 attorney did or did not take any action sort of a</p>
<p style="text-align: right;">Page 283</p> <p>1 her's definitely fell into what was abnormal, to</p> <p>2 the point where we were considering litigation.</p> <p>3 Q What would you consider normal?</p> <p>4 A Whatever is --</p> <p>5 MS. MASRI: Objection. Calls for a</p> <p>6 legal conclusion.</p> <p>7 Go ahead and answer if you can.</p> <p>8 THE WITNESS: Well, I think</p> <p>9 whatever's generally -- to be frank, whatever the</p> <p>10 average waiting time for a non-Muslim, non-Middle</p> <p>11 Eastern applicant is. I tend to find those who</p> <p>12 fall in the Muslim and Middle Eastern -- I --</p> <p>13 Middle Eastern time frame have to wait quite a bit</p> <p>14 extra.</p> <p>15 And the ACLU did great work</p> <p>16 discovering that there were a lot of unfair</p> <p>17 holdups probably involving the FBI, I guess</p> <p>18 called the CARP, or something, that put extra</p> <p>19 scrutiny on Muslims. It's not a surprise</p> <p>20 considering DHS -- a memo just leaked from DHS</p> <p>21 saying they want to have extra scrutiny of Muslim</p> <p>22 immigrants. So, again, the same pattern of</p>	<p style="text-align: right;">Page 285</p> <p>1 suit to speed it up.</p> <p>2 Q Okay. And I just want to be very</p> <p>3 clear and make sure I understand you. Do you</p> <p>4 attribute that slowness to the issues that you</p> <p>5 described in connection with this litigation?</p> <p>6 MS. MASRI: Objection. Calls for a</p> <p>7 legal conclusion.</p> <p>8 Answer only if you know.</p> <p>9 THE WITNESS: I think it's connected</p> <p>10 to the whole issue of being treated as a</p> <p>11 second-class citizen as a Muslim, as a visible</p> <p>12 Muslim, as a Muslim leader or as being connected</p> <p>13 with one.</p> <p>14 BY MS. ROTH:</p> <p>15 Q Okay. But is that something</p> <p>16 different than your allegation that you're on a</p> <p>17 watchlist?</p> <p>18 MS. MASRI: Same objection.</p> <p>19 THE WITNESS: Same answer. I think</p> <p>20 being on the watchlist is if you're Muslim, you're</p> <p>21 much more likely to be on these watchlists without</p> <p>22 basis and without having a proper way to get off</p>

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<p style="text-align: right;">Page 286</p> <p>1 them. So it's all interacted. I think the</p> <p>2 watchlist is a -- is basically a Muslim list and it</p> <p>3 has way too many false positives.</p> <p>4 And why in the world are there so</p> <p>5 many American-Muslim leaders that are all well</p> <p>6 respected -- and we all know each other -- that</p> <p>7 have these same issues and we all appear to be on</p> <p>8 the same watchlist? It's really disturbing.</p> <p>9 BY MS. ROTH:</p> <p>10 Q Have you sponsored anyone else for a</p> <p>11 U.S. citizenship?</p> <p>12 A Not that I recall.</p> <p>13 Q We spent some time earlier talking</p> <p>14 about --</p> <p>15 A Before you ask, it's 3:44, I need to</p> <p>16 take a break to do prayer before 4:00.</p> <p>17 Q Yes. I was keeping that in mind.</p> <p>18 A We should do it now, I would say.</p> <p>19 MS. ROTH: Okay. Let's take a break.</p> <p>20 We are off the record.</p> <p>21 (Recess from 3:44 p.m. to 4:00 p.m.)</p> <p>22 MS. ROTH: We are back on the record.</p>	<p style="text-align: right;">Page 288</p> <p>1 A Yeah. So I only needed it with the</p> <p>2 handgun, so I only got it within the past year. I</p> <p>3 can pull it out and check the date.</p> <p>4 Q Did you encounter any obstacles or</p> <p>5 problems purchasing any of the firearms that you</p> <p>6 just mentioned?</p> <p>7 A So in purchasing, no, in getting the</p> <p>8 concealed weapon permit, the first time they made</p> <p>9 me come back in and redo the fingerprints for the</p> <p>10 FBI, so it -- I got it a little later than normal,</p> <p>11 but I don't know what's happening on the back end</p> <p>12 there.</p> <p>13 Q Any reason to think any of that is in</p> <p>14 connection to your allegations in this lawsuit?</p> <p>15 MS. MASRI: Objection. Calls for a</p> <p>16 legal conclusion. Calls for speculation.</p> <p>17 THE WITNESS: Yeah, I don't have</p> <p>18 enough information from side to determine that.</p> <p>19 BY MS. ROTH:</p> <p>20 Q I'm asking for your opinion. Do you</p> <p>21 think --</p> <p>22 A I'm suspect. I've learned not to</p>
<p style="text-align: right;">Page 287</p> <p>1 BY MS. ROTH:</p> <p>2 Q Have you ever applied for a job as a</p> <p>3 contractor for the federal government?</p> <p>4 A I don't think so. No.</p> <p>5 Q You mentioned earlier you own a</p> <p>6 firearm?</p> <p>7 A I do.</p> <p>8 Q And you own that lawfully?</p> <p>9 A Absolutely.</p> <p>10 Q How many firearms do you own?</p> <p>11 THE WITNESS: Do I have to disclose</p> <p>12 that number?</p> <p>13 MS. MASRI: Yes.</p> <p>14 THE WITNESS: Okay. Three.</p> <p>15 BY MS. ROTH:</p> <p>16 Q When did you purchase them?</p> <p>17 A The -- I want to say the rifles in my</p> <p>18 Buffalo days. And then the handgun would be within</p> <p>19 the past year, I want to say.</p> <p>20 Q Do you have a concealed weapons</p> <p>21 permit in connection with all of them or just the</p> <p>22 handgun?</p>	<p style="text-align: right;">Page 289</p> <p>1 trust when it comes to engaging the federal</p> <p>2 government with everything that I've seen, so I</p> <p>3 would be interested to know. Sorry.</p> <p>4 MS. MASRI: He's answered your</p> <p>5 question.</p> <p>6 BY MS. ROTH:</p> <p>7 Q You've never been -- have you ever</p> <p>8 tried to purchase a gun but were denied?</p> <p>9 A No.</p> <p>10 Q And --</p> <p>11 A Well, there was an incident in</p> <p>12 Florida, the Muslim Free Gun -- Muslim Free Gun</p> <p>13 Shop in Florida, it also made national media, where</p> <p>14 I was denied the ability to go to that shop and</p> <p>15 make any purchases whatsoever. And even though the</p> <p>16 owner had agreed for me to come and meet with him</p> <p>17 and visit the shop and engage with him and have a</p> <p>18 dialogue about Islam and the Muslim community and</p> <p>19 do business together.</p> <p>20 Unfortunately, he was contacted by</p> <p>21 hate groups, who I know sent him a lot of hate</p> <p>22 articles about me, which referenced sort of how the</p>

Exhibit F

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

ANAS ELHADY, et al.,

Plaintiffs,

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1:16-CV-375

CHARLES H. KABLE, et al.,

(AJT/JFA)

Defendants.

DEPOSITION OF ANAS ELHADY

DATE: Thursday, February 22, 2018

TIME: 10:05 a.m.

LOCATION:

U.S. Department of Justice

20 Massachusetts Avenue, N.W.

Washington, DC 20001

REPORTED BY: Casey Smith

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<p>1 APPEARANCES</p> <p>2 On behalf of Plaintiffs:</p> <p>3 LENA MASRI, ESQUIRE</p> <p>4 Council on American-Islamic Relations (CAIR)</p> <p>5 453 New Jersey Avenue, S.E.</p> <p>6 Washington, DC 20003</p> <p>7 (202) 640-4934</p> <p>8 lmasri@cair.com</p> <p>9</p> <p>10 On behalf of Defendants:</p> <p>11 ANTONIA KONKOLY, ESQUIRE</p> <p>12 U.S. Department of Justice</p> <p>13 20 Massachusetts Avenue, N.W.</p> <p>14 Washington, DC 20001</p> <p>15 (202) 514-2395</p> <p>16 antonia.konkoly@usdoj.gov</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 PROCEEDINGS</p> <p>2 WHEREUPON,</p> <p>3 ANAS ELHADY</p> <p>4 was called as a witness, and having been sworn, was</p> <p>5 examined and testified as follows:</p> <p>6 EXAMINATION BY COUNSEL FOR DEFENDANTS</p> <p>7 BY MS. KONKOLY:</p> <p>8 Q Good morning, Mr. Elhady.</p> <p>9 A Good morning.</p> <p>10 Q My name is Toni Konkoly. I'm an attorney for</p> <p>11 the Department of Justice. I represent the defendants</p> <p>12 in this lawsuit. I'll be taking your deposition</p> <p>13 today. Before we get started, I just have some</p> <p>14 instructions to go over with you, to make sure that</p> <p>15 you understand how this will work. So first, do you</p> <p>16 understand that you're under oath?</p> <p>17 A Yes.</p> <p>18 Q Okay, and were -- one of the purposes of what</p> <p>19 we're doing here today is to create a transcript that</p> <p>20 we can submit to the Court later. So it's important</p> <p>21 that we create a clear transcript, and so one of the</p> <p>22 things that can get in the way of that is when we talk</p>
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<p>1 CONTENTS</p> <p>2 EXAMINATION BY: PAGE</p> <p>3 By Ms. Konkoly 4</p> <p>4 By Ms. Masri 267</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 NO. DESCRIPTION PAGE</p> <p>8 Exhibit A Complaint 26</p> <p>9 Exhibit D Answers to interrogatories 29</p> <p>10 Exhibit F Answers to interrogatories 33</p> <p>11 Exhibit G Travel inquiry form 26</p> <p>12 Exhibit H Copy of passport 199</p> <p>13 Exhibit K (Not described) 198</p> <p>14 (*Exhibits attached to transcript.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 over each other or if you gave an answer, you know.</p> <p>2 Like an uh-huh doesn't translate well, or if you nod</p> <p>3 your head the transcript's not going to pick that up.</p> <p>4 So I need you to number one, wait until I'm</p> <p>5 finished speaking to provide your answer, and then I</p> <p>6 need you to provide audible answers, like a yes or a</p> <p>7 no instead of shaking your head or saying "uh-huh."</p> <p>8 Do you understand?</p> <p>9 A Yes.</p> <p>10 Q Okay. If you don't understand a question</p> <p>11 that I ask you, you can ask me to clarify. If you</p> <p>12 answer the question, I'm going to assume that you did</p> <p>13 understand it. Do you understand that?</p> <p>14 A Yes.</p> <p>15 Q Okay. Is there any reason that you cannot</p> <p>16 answer my questions truthfully and accurately today?</p> <p>17 A There is not, no.</p> <p>18 Q Okay. Have you taken any medications in the</p> <p>19 last 48 hours?</p> <p>20 A No.</p> <p>21 Q Have you consumed any alcohol in the last 48</p> <p>22 hours?</p>

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<p style="text-align: right;">Page 142</p> <p>1 to.</p> <p>2 Q Well let's take them in order. Tell me what</p> <p>3 you remember about your trips into Canada in September</p> <p>4 2014. I don't want you to read from the</p> <p>5 interrogatory. I want to know what you remember.</p> <p>6 A So I remember that I got scenario each time.</p> <p>7 So if you're referring to September trips, I remember</p> <p>8 informing my attorney about each trip that I had, and</p> <p>9 we --</p> <p>10 MS. MASRI: Just make sure you don't disclose</p> <p>11 the substance of the conversations.</p> <p>12 THE WITNESS: Yes. So I wrote them down, and</p> <p>13 if you're asking about a specific trip --</p> <p>14 Q I'm asking what you remember today, as you</p> <p>15 sit here, about your trips into Canada in 2014.</p> <p>16 A I just remember I was stopped the same exact</p> <p>17 way for more than five hours each time, and every time</p> <p>18 I used to come back it was like I mentioned. It was a</p> <p>19 weekend, so there will be a long line, and everyone</p> <p>20 will take the exit except me, will get the sticker on</p> <p>21 my windshield and I take a different route.</p> <p>22 And it was the same agent or supervisor that</p>	<p style="text-align: right;">Page 144</p> <p>1 first phone was taken and they told me they're not</p> <p>2 sure how long it's going to take for them to return it</p> <p>3 back to me, so I had to get another phone. When that</p> <p>4 phone came back, I just put it aside and kept using my</p> <p>5 new phone.</p> <p>6 So when I crossed the border, they took my</p> <p>7 new phone. I had to get a third phone and waited</p> <p>8 until that second phone came back and just put it</p> <p>9 aside next to the first one.</p> <p>10 Q Okay. How long was it before you got your</p> <p>11 phone back?</p> <p>12 A About two months.</p> <p>13 Q Okay, and did you say your wallet was taken</p> <p>14 too?</p> <p>15 A It was not taken. It was taken at the --</p> <p>16 when I entered the tunnel, but they gave it back to me</p> <p>17 when I exited, when I left, when they let me go.</p> <p>18 Q Okay. Did you post about any of your</p> <p>19 experiences crossing the U.S.-Canada border in</p> <p>20 September 2014 on any social media account?</p> <p>21 A I did not post about the experience. I</p> <p>22 posted that I was in Canada when I was in Canada.</p>
<p style="text-align: right;">Page 143</p> <p>1 used to lead the other agent to search me, ask me</p> <p>2 questions, the same questions all the time. He would</p> <p>3 ask me like really do you have to do this again? It</p> <p>4 seems like you like the treatment that you're getting,</p> <p>5 and also, he would mention I don't know why you do</p> <p>6 this, wasting our time, even though you're getting --</p> <p>7 even though you're going to go through this.</p> <p>8 And I was also, I remember the second time,</p> <p>9 which should be my first time in September crossing</p> <p>10 the border, I was also got my phone taken away, and</p> <p>11 had the same thing. But it was different, that it was</p> <p>12 shipped to me. But after the second time my phone was</p> <p>13 taken away from me, I stopped traveling with phone or</p> <p>14 my wallet.</p> <p>15 I just take my ID, even my cards I keep them.</p> <p>16 I just take cash, my ID and travel, just to help me</p> <p>17 not getting my phone taken or my, you know, wallet</p> <p>18 searched and everything in it.</p> <p>19 Q Was the phone that was taken from you in</p> <p>20 September 2014 the same phone or a different phone</p> <p>21 that was taken earlier?</p> <p>22 A It was a different phone because when my</p>	<p style="text-align: right;">Page 145</p> <p>1 Q Okay, but not about your experience of</p> <p>2 crossing the border?</p> <p>3 A No.</p> <p>4 Q Okay. For any of these trips in September</p> <p>5 2014?</p> <p>6 A No.</p> <p>7 Q Okay. Did you talk to anyone aside from your</p> <p>8 attorneys about your experience crossing the border in</p> <p>9 September 2014?</p> <p>10 A I did talk to my family mostly, and my</p> <p>11 friends about the treatment I've been getting every</p> <p>12 time I cross a border and how worse it's getting for</p> <p>13 me each time.</p> <p>14 Q How many friends did you talk to about those</p> <p>15 experiences?</p> <p>16 A I do not recall.</p> <p>17 Q More than five?</p> <p>18 A Probably, yes.</p> <p>19 Q More than ten?</p> <p>20 A I'm not sure.</p> <p>21 Q Did you write about your experiences crossing</p> <p>22 the border in September 2014 in any other place, like</p>

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<p style="text-align: right;">Page 146</p> <p>1 a journal?</p> <p>2 A No.</p> <p>3 Q Do you believe that your experiences crossing</p> <p>4 the border in September 2014 are because you are on a</p> <p>5 watch list?</p> <p>6 MS. MASRI: Objection, calls for a legal</p> <p>7 conclusion, calls for speculation. Objection as to</p> <p>8 form.</p> <p>9 THE WITNESS: The second time I crossed, I</p> <p>10 believed it wasn't something normal that the Border</p> <p>11 Patrol do. It's just something based on something pop</p> <p>12 up in their system, because every time, I noticed</p> <p>13 every time the person I get to the window, even though</p> <p>14 they seem nice and talking to me at the beginning.</p> <p>15 But after they swipe my card they seemed</p> <p>16 confused and they just close the window right away and</p> <p>17 call for, on the radio. So I realized it was not</p> <p>18 something normal, and must be something to do with the</p> <p>19 -- with being on the watch list.</p> <p>20 BY MS. KONKOLY:</p> <p>21 Q Okay, and how -- for each of your three trips</p> <p>22 in 2014, let's take them one by one. So for the first</p>	<p style="text-align: right;">Page 148</p> <p>1 States to Canada.</p> <p>2 MS. MASRI: I was going to ask for</p> <p>3 clarification actually. I misunderstood the question</p> <p>4 as well.</p> <p>5 THE WITNESS: I misunderstood it too.</p> <p>6 BY MS. KONKOLY:</p> <p>7 Q Okay. So you took three trips in September</p> <p>8 2014. We'll call them trip A, B and C?</p> <p>9 A Correct.</p> <p>10 Q For Trip A, from the United States to Canada,</p> <p>11 how long were you detained at the border?</p> <p>12 A I was not detained on the way to Canada. It</p> <p>13 was normal crossing from the United States to Canada.</p> <p>14 It just one time, I do not recall which one, I was</p> <p>15 stopped randomly, even though there was -- there is no</p> <p>16 agent usually after the booth. But one of the time</p> <p>17 there was, and they were letting everyone go to Canada</p> <p>18 except me. They asked me to do a U turn and go park,</p> <p>19 park where I parked the times before. I was stopped</p> <p>20 for approximately four hours.</p> <p>21 Q So that was one of the times going into</p> <p>22 Canada?</p>
<p style="text-align: right;">Page 147</p> <p>1 time you crossed from the United States into Canada,</p> <p>2 how long were you detained at the border?</p> <p>3 A The first time in September?</p> <p>4 Q The first time in September.</p> <p>5 A It was five hours to six hours.</p> <p>6 Q And the second time you crossed over, going</p> <p>7 from the United States to Canada, how long were you</p> <p>8 detained?</p> <p>9 A It was about that time, five to seven hours.</p> <p>10 Q Five to seven?</p> <p>11 A Yes.</p> <p>12 Q Okay, and the third time you crossed in</p> <p>13 September 2014, about how long were you detained?</p> <p>14 A Five to seven hours.</p> <p>15 Q Okay, and on your return trip, we'll take</p> <p>16 them one by one as well. The first time you crossed</p> <p>17 from Canada to the United States, how long were you</p> <p>18 detained at the border in September 2014, the first</p> <p>19 trip back?</p> <p>20 A In September?</p> <p>21 Q Yeah. So I just asked you -- I hope I was</p> <p>22 clear. I was talking about going from the United</p>	<p style="text-align: right;">Page 149</p> <p>1 A Correct.</p> <p>2 Q During those three trips in September 2014?</p> <p>3 A Yes.</p> <p>4 Q Okay. Did you say that was a random search</p> <p>5 that time?</p> <p>6 MS. MASRI: Objection, misstates prior</p> <p>7 testimony.</p> <p>8 THE WITNESS: I do not know.</p> <p>9 BY MS. KONKOLY:</p> <p>10 Q Okay. On your return trips on Trip A, B and</p> <p>11 C, how long were you detained on your return on Trip A</p> <p>12 in September 2014?</p> <p>13 A From Canada to the United States?</p> <p>14 Q From Canada to the United States.</p> <p>15 A Okay. That's the ones I was referring to</p> <p>16 earlier, six hours. Then the second is five to seven,</p> <p>17 and the third is five to seven. I was not stopped all</p> <p>18 of the time going from United States to Canada except</p> <p>19 one time, and I do not recall which one, and it took</p> <p>20 about four hours.</p> <p>21 Q Okay. If I could have you flip to -- back to</p> <p>22 Exhibit G. We looked at it earlier, page three, the</p>

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<p>1 DHS trip form.</p> <p>2 A Uh-huh.</p> <p>3 Q So there it says you get detained for three</p> <p>4 to six hours. Can you explain why you said three to</p> <p>5 six on your form if it's actually five to seven?</p> <p>6 A It was around six hours for sure, because</p> <p>7 every time I cross the border I get my phone taken</p> <p>8 from me and my watch, and I just remember I cross at</p> <p>9 midnight, around 12:00 and I don't leave until the sun</p> <p>10 is about to rise.</p> <p>11 Q Okay. If I could have you look at paragraph</p> <p>12 14 back in Exhibit F? It says, "On October 4th, 2014,</p> <p>13 you exited the United States into Canada"; is that</p> <p>14 correct?</p> <p>15 A I'm sorry where, what paragraph is that?</p> <p>16 Q Paragraph 14, page eight.</p> <p>17 A Page eight. Can you repeat your question?</p> <p>18 Q I'm just confirming the accuracy of the</p> <p>19 statement here, that says on October 4th, you exited</p> <p>20 the United States by land into Canada?</p> <p>21 A Yes.</p> <p>22 Q Okay. Where, can you be more specific than</p>	<p>1 United States. My car was searched and the carpet,</p> <p>2 even the carpet was tortured and removed, and also the</p> <p>3 same treatment and the same agents that were at the</p> <p>4 border questioning me, giving me the same attitude of</p> <p>5 it's you, come on.</p> <p>6 Are you -- you seem like you like it? What</p> <p>7 do you have in Canada? Are you serious? Someone like</p> <p>8 you should have stopped crossing the border by now.</p> <p>9 It was just some words that hurts and makes me, you</p> <p>10 know, even though I love my friends and want to go see</p> <p>11 them if I can every day, but that made me escalate it</p> <p>12 from going back each weekend to each month or maybe</p> <p>13 more, and try to, you know, avoid crossing the border.</p> <p>14 Q Were you alone or traveling with anyone on</p> <p>15 this trip back into the United States in early October</p> <p>16 2014?</p> <p>17 A Alone.</p> <p>18 Q Was there anyone else who you knew who</p> <p>19 witnessed the events at the border checkpoint in</p> <p>20 October 2014?</p> <p>21 MS. MASRI: Objection, calls for speculation.</p> <p>22 THE WITNESS: No, not at the border. But my</p>
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<p>1 the United States into Canada. What were the cities,</p> <p>2 specific cross point?</p> <p>3 A It was from Detroit to Windsor.</p> <p>4 Q Was that the Windsor Tunnel?</p> <p>5 A Yes.</p> <p>6 Q Okay. What was the purpose of that trip?</p> <p>7 A Just to visit friends.</p> <p>8 Q Okay, the same friends?</p> <p>9 A Yes.</p> <p>10 Q If you look at paragraph 21, it says "In</p> <p>11 early October 2014 you returned from Canada back to</p> <p>12 the United States"; is that correct?</p> <p>13 A Yes.</p> <p>14 Q Is this the same trip as the October 4th,</p> <p>15 2014 crossing we just discussed?</p> <p>16 A Yes.</p> <p>17 Q Okay, and what happened on this crossing back</p> <p>18 into the United States? I'd like to know what you</p> <p>19 remember today.</p> <p>20 A Just I'm not sure which of the trips that I</p> <p>21 crossed. I don't know if it was Trip C on September</p> <p>22 or the early October trip, when I came back to the</p>	<p>1 family used to notice, because each time I come, I</p> <p>2 used to come back home further as 1:00 a.m., but every</p> <p>3 time I get stopped, I do not show up at home until the</p> <p>4 next day, morning, which caused a lot of family, you</p> <p>5 know, family worried. I get home and everyone is</p> <p>6 waiting for me, and my aunt that I was living with at</p> <p>7 the time she -- sometimes she never slept until she</p> <p>8 sees me coming in the next morning.</p> <p>9 BY MS. KONKOLY:</p> <p>10 Q Did you write about this experience crossing</p> <p>11 back into the United States in early October 2014 on</p> <p>12 any of your social media accounts?</p> <p>13 A No.</p> <p>14 Q Did you talk to anyone aside from your</p> <p>15 attorney about that experience?</p> <p>16 A My family and friends.</p> <p>17 Q How many friends?</p> <p>18 A I do not recall.</p> <p>19 Q More than five?</p> <p>20 A I'm not sure.</p> <p>21 Q More than ten?</p> <p>22 A I'm not sure.</p>

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<p>1 Q Did you write about this experience in any</p> <p>2 other place?</p> <p>3 A No.</p> <p>4 Q If you could look at paragraph 15. There it</p> <p>5 indicates that on October 12th, 2014, you left the</p> <p>6 United States into Canada. Is that accurate?</p> <p>7 A Yes.</p> <p>8 Q Is that also the Detroit-Windsor Bridge</p> <p>9 Tunnel?</p> <p>10 MS. MASRI: Objection as to form. The bridge</p> <p>11 and tunnel are two different --</p> <p>12 BY MS. KONKOLY:</p> <p>13 Q I meant tunnel. Was this the Windsor Tunnel?</p> <p>14 A Yes.</p> <p>15 Q Okay. Were you traveling alone or with</p> <p>16 anyone?</p> <p>17 A I did travel alone, but I'm not sure if the</p> <p>18 late October one or the November crossing was with one</p> <p>19 of my friends that also came to pick me up, like the</p> <p>20 cross -- we took the bridge. I'm not sure if it's the</p> <p>21 October 12th or the one in November that was with my</p> <p>22 friend and we took the bridge.</p>	<p>1 get less than the one before. I have to go up, up.</p> <p>2 So I believe this one was more than six hours. It was</p> <p>3 about seven to eight hours waiting, because I remember</p> <p>4 leaving and it was morning already.</p> <p>5 Q And was anyone with you on this trip or were</p> <p>6 you traveling alone?</p> <p>7 A On my way back, I was alone.</p> <p>8 Q Okay. Was there anyone else who you knew who</p> <p>9 was there at the border while you were being detained?</p> <p>10 A No.</p> <p>11 Q Did you write or post about this experience</p> <p>12 on any of your social media accounts?</p> <p>13 A No.</p> <p>14 Q Did you write to anyone aside from your</p> <p>15 attorneys about this experience?</p> <p>16 A I talked to my family and friends.</p> <p>17 Q Did you write about it in an email or</p> <p>18 otherwise to anyone aside from your attorney?</p> <p>19 A No.</p> <p>20 Q How many friends did you talk to?</p> <p>21 A I'm not sure. But I do want to mention one</p> <p>22 thing, that my friend that crossed with me to Canada,</p>
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<p>1 Q Okay. So there was one of these trips where</p> <p>2 you traveled with a friend and you went by bridge</p> <p>3 instead of tunnel?</p> <p>4 A Correct.</p> <p>5 Q Okay, and what was the purpose of the mid-</p> <p>6 October trip to Canada?</p> <p>7 A Just go with my friends, hang out.</p> <p>8 Q The same friends? They were from Yemen but</p> <p>9 living in Canada?</p> <p>10 A Correct.</p> <p>11 Q Okay. How long did you stay?</p> <p>12 A I used to stay one to two days maximum.</p> <p>13 Q Okay, and in paragraph 22, it indicates that</p> <p>14 you returned in mid-October 2014. Is this paragraph</p> <p>15 the return trip of the same -- the return leg of the</p> <p>16 same trip that we're talking about right now?</p> <p>17 A Yes.</p> <p>18 Q Okay, and what happened on this crossing into</p> <p>19 the United States?</p> <p>20 A Basically a similar scenario. The same</p> <p>21 officers asking me the same exact questions and it</p> <p>22 just escalated. What I realized each time does not</p>	<p>1 I believe it was I don't know. I'm not sure if it's</p> <p>2 the October one or November. When I came back, he</p> <p>3 came back with me. He actually drove me back.</p> <p>4 It's one of the two that we went together to</p> <p>5 Canada. He drove me back to the United States, and he</p> <p>6 was -- because we came back through the tunnel, he was</p> <p>7 stopped and they also told me oh no, now you have a</p> <p>8 friend to come with and they also asked him -- they</p> <p>9 asked him the same exact questions about my trips to</p> <p>10 Canada, and basically to confirm if they're true or</p> <p>11 not.</p> <p>12 They asked him what we, what I used to do,</p> <p>13 where we used to go and all the details about my</p> <p>14 previous trips to Canada. They made him, they stopped</p> <p>15 him for four hours, you know. They asked, they kept</p> <p>16 asking him for like four hours, and then they had him</p> <p>17 wait in the waiting room until they finished</p> <p>18 questioning me for about seven hours or more, then we</p> <p>19 left.</p> <p>20 But after that, he used to cross the border</p> <p>21 every day or at least five times a week. But after</p> <p>22 that time, he -- for him crossing the border through</p>

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<p style="text-align: right;">Page 158</p> <p>1 the bridge or the tunnel, I'm not sure, but they 2 stopped him for his first time ever crossing the 3 border being stopped, other than the one being with 4 me, and they asked him the same questions he was asked 5 when he was with me. 6 After finishing questioning him, they told 7 him you're not allowed to cross the border. You have 8 to go back to Canada. He asked why the reason, and he 9 never had this before. They told him we cannot tell 10 you why. Just you're not allowed in the United 11 States. He never had anything in his record, nothing 12 to stop him from crossing the border because he was a 13 Canadian citizen. 14 And after that he -- after that week, he 15 tried to come to the United States and they told him I 16 think we mentioned that to you. You're not allowed in 17 the United States permanent, and thought it was 18 something just at that time. So he was like okay, so 19 what's the reason? They told him we cannot reveal any 20 information. Just we don't want to see you crossing 21 the border again, and please stay away and we don't 22 want to see you here again.</p>	<p style="text-align: right;">Page 160</p> <p>1 know each other since high school. 2 But we -- he just, he tried to stay away from 3 me and every time I tried to call him, and he just 4 mentioned that I wish I never knew you. You caused 5 all this trouble for me. At the beginning he used to 6 make it as a joke, but it became serious when he 7 literally stopped calling me like we used to contact 8 every day. 9 And just the also my friends in Canada, after 10 that used to make fun of me and make fun of -- they 11 told me all the time you're a U.S. citizen and you get 12 stopped at the U.S. border but not at the Canadian 13 border. Your country is treating you like this. When 14 we cross a border, we never used to get treated like 15 this. But you're the citizen one and you get treated 16 like that. 17 They used to ask me some weird questions that 18 really hurt my feelings. The beginning was a joke, 19 but it escalated to all my friends that oh, the 20 American government think Anas is a terrorist, Anas is 21 a -- he get asked all these weird questions. What do 22 you have done Anas, tell us?</p>
<p style="text-align: right;">Page 159</p> <p>1 So since that time, he did not come into the 2 United States until a year or two years after. He got 3 a lawyer in Canada, tried to find out what's the 4 reason of him not being allowed to cross the border 5 like he always used to, and his case went for a year 6 or more, and then his lawyer told him that they -- 7 they told him not to have any contact with anyone. 8 They don't want him to have contact with people in the 9 United States. 10 They did not tell him exactly who, but he was 11 just in the United States, know me and know one other 12 friends. So his lawyer basically asked him who do he 13 know, and his lawyer told him not to contact me 14 because it appears that they are referring to me as 15 being away from me, and he cannot cross the border to 16 see me again. 17 And his case stayed for a year or more, and 18 then he was -- then they allowed him, I'm not sure if 19 it's a year or two years after that, he got a permit 20 or something so he can cross the border. I just after 21 that, after he had his case in Canada, he stopped 22 contacting me, even though we were best friends and we</p>	<p style="text-align: right;">Page 161</p> <p>1 To the point that I start playing in my head 2 what, what kind of person am I, because every time I 3 get treated like this it affects me and how I feel. 4 That caused me basically to try to stay away out of my 5 friends that I was very close with. That's it. 6 Q You kept referring to "they" told your friend 7 he couldn't come into the United States. Who is they? 8 A I'm sorry? 9 Q You kept saying "they" told your friend that 10 he couldn't come into the United States. Who do you 11 mean by they? 12 A The United States Border. 13 Q Okay. Were you present for any of these 14 conversations where they allege that they told him 15 that? 16 A No. His lawyer told him, other than two 17 times he was crossing the border and they stopped him. 18 The Border told him not to come to the United States, 19 and then when he started the case, his lawyer told him 20 the same thing, that the Border are not -- don't want 21 him in the United States because they don't want him 22 to have contact with certain people in the United</p>

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<p style="text-align: right;">Page 162</p> <p>1 States.</p> <p>2 Q Okay. My question is simply yes or no. Were</p> <p>3 you present when these things were allegedly said to</p> <p>4 your friend?</p> <p>5 A No.</p> <p>6 Q Did you hear Border Patrol -- did you</p> <p>7 personally hear Border Patrol say these things to your</p> <p>8 friend?</p> <p>9 A No.</p> <p>10 Q Okay.</p> <p>11 MS. MASRI: Toni, if you're in between stops,</p> <p>12 do you mind really a quick break?</p> <p>13 MS. KONKOLY: Three minutes.</p> <p>14 MS. MASRI: That's fine. Just a quick</p> <p>15 restroom break.</p> <p>16 (Whereupon, a short recess was taken.)</p> <p>17 BY MS. KONKOLY:</p> <p>18 Q Are we back on the record? Mr. Elhady, do</p> <p>19 you understand that you're still under oath?</p> <p>20 A Yes.</p> <p>21 Q If I could have you look at paragraph 16,</p> <p>22 page nine?</p>	<p style="text-align: right;">Page 164</p> <p>1 A Yeah, I'm sorry. Going into Canada, at that</p> <p>2 time on November, I had for the first time different</p> <p>3 scenario, which is the Canadian border stopped me.</p> <p>4 They stopped me and it was weird, because it was the</p> <p>5 first time for them to enter my name in their system</p> <p>6 and get the same reaction that I used to see in the</p> <p>7 agents when I go back to the United States, where he</p> <p>8 close the window and called on the radio and told me</p> <p>9 to turn right. This is on the Canadian side, and they</p> <p>10 asked me to leave my car and they searched my car, and</p> <p>11 then they asked me to go inside, where they questioned</p> <p>12 me and made some phone calls while they're questioning</p> <p>13 me.</p> <p>14 And then they go back to me, ask me to come</p> <p>15 up to the counter and ask me new questions. When I</p> <p>16 answer, they write them down and then they ask me to</p> <p>17 go back to my seat and then they go back. I can see</p> <p>18 them through the window make a phone call, and then</p> <p>19 come back with the same question, I mean with a</p> <p>20 different question.</p> <p>21 And they also -- it seems like, based on what</p> <p>22 I had in this experience, that they were directed to</p>
<p style="text-align: right;">Page 163</p> <p>1 A Okay.</p> <p>2 Q It indicates that in November 2014 you exited</p> <p>3 through the Windsor Tunnel to Canada again?</p> <p>4 A Yes.</p> <p>5 Q And if you could flip to paragraph 23, it</p> <p>6 also says in November 2014 you returned to the United</p> <p>7 States by land at the Windsor Tunnel?</p> <p>8 A Yes.</p> <p>9 Q Are these -- do these paragraphs belong to</p> <p>10 the same trip?</p> <p>11 A Yes.</p> <p>12 Q Okay. If you could tell me what you remember</p> <p>13 about the first leg of that trip, crossing from the</p> <p>14 United States into Canada? I want to know what you</p> <p>15 remember today.</p> <p>16 A Okay. I just remember like I mentioned</p> <p>17 earlier, I'm not sure which one of these was the</p> <p>18 scenario that I was stopped, you know, getting the</p> <p>19 same treatment. It was definitely more time than the</p> <p>20 October one, and just basically the same questions</p> <p>21 over and over.</p> <p>22 Q Okay. That was going into Canada.</p>	<p style="text-align: right;">Page 165</p> <p>1 ask me these questions, and stop me because they</p> <p>2 seemed like they didn't know who I am or what are they</p> <p>3 doing. It was just the something they were instructed</p> <p>4 to do.</p> <p>5 And also, they asked me, they asked me what</p> <p>6 time exactly I'm going back to the United States, and</p> <p>7 if I change that time to give them a phone call to let</p> <p>8 them know if I'm not coming at the time I mentioned to</p> <p>9 them.</p> <p>10 Q How long were you detained at the Canadian</p> <p>11 border on your way into Canada in November 2014?</p> <p>12 A Two to three hours.</p> <p>13 Q Did you write or post about this experience</p> <p>14 on any social media site?</p> <p>15 A No.</p> <p>16 Q Did you talk to anyone aside from your</p> <p>17 attorney about this experience?</p> <p>18 A My friends that were in Canada were waiting</p> <p>19 for me outside the border.</p> <p>20 Q Did you talk to anyone else?</p> <p>21 A Other than my friends, no.</p> <p>22 Q Did you write about this experience anywhere,</p>

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<p style="text-align: right;">Page 166</p> <p>1 aside from emailing your attorney potentially?</p> <p>2 A No.</p> <p>3 Q How long did you stay in Canada this trip?</p> <p>4 A One to two days.</p> <p>5 Q What was the purpose of this trip?</p> <p>6 A Just to see my friends.</p> <p>7 Q Okay, the same friends from Yemen who were</p> <p>8 living in Canada?</p> <p>9 A Yes.</p> <p>10 Q Okay. Were you traveling alone or by</p> <p>11 yourself on the trip from the United States into</p> <p>12 Canada?</p> <p>13 A By myself.</p> <p>14 Q Were you traveling alone or by yourself when</p> <p>15 you returned to the United States?</p> <p>16 A By myself.</p> <p>17 Q Okay. Was there anyone you knew who was</p> <p>18 present, had to be present at the Canadian border when</p> <p>19 you had that experience with the Canadian officials</p> <p>20 that you just discussed?</p> <p>21 MS. MASRI: Objection, calls for speculation</p> <p>22 and objection as to form.</p>	<p style="text-align: right;">Page 168</p> <p>1 the right and have a sticker on my car. The agents</p> <p>2 came to the car, asked me to leave the car and search</p> <p>3 myself and took my phone and handcuffed me inside.</p> <p>4 That was the first time. But I'm not sure if that or</p> <p>5 the December one was also the second one. I was</p> <p>6 approached by four to six agents, asked me to leave</p> <p>7 the car and keep my hands up. This happened at the</p> <p>8 booth. Leave the car, keep my hands up and walk back</p> <p>9 next to the trunk and put my hands on the trunk, and</p> <p>10 two officers or two agents came, handcuffed me and I</p> <p>11 remember seeing there is more than just three agents.</p> <p>12 There was a lot.</p> <p>13 I can feel them walking with me, and just</p> <p>14 looking through the cars, that were guarding through</p> <p>15 other booth, they were all looking at me and pointing</p> <p>16 like what happened to this guy, that you know, a lot</p> <p>17 of agents came to handcuff him and put him inside.</p> <p>18 At that time, I was -- I used to always being</p> <p>19 put in the waiting room and get questioned. But that</p> <p>20 time, I was being put in a cell with only toilet and a</p> <p>21 seat there, and get my watch, my wallet of course,</p> <p>22 everything I had in my pocket, my phone and my watch</p>
<p style="text-align: right;">Page 167</p> <p>1 THE WITNESS: No one was with me.</p> <p>2 MS. KONKOLY: Okay, and there wasn't anyone</p> <p>3 else who you knew who happened to be there?</p> <p>4 MS. MASRI: Same objections.</p> <p>5 THE WITNESS: Not at the border.</p> <p>6 BY MS. KONKOLY:</p> <p>7 Q Okay. What about on the way back? Can you</p> <p>8 tell me what happened on your return trip into the</p> <p>9 United States at the Windsor Tunnel in November 2014?</p> <p>10 I'd like to know what you remember about that today.</p> <p>11 A Okay. So when I came back, I was -- are you</p> <p>12 referring to which one?</p> <p>13 Q I'm talking about the trip that you disclosed</p> <p>14 in paragraph 23, but I want to know what you remember</p> <p>15 about it today, not what you wrote down there?</p> <p>16 A Okay. So I was -- when I'm returning from</p> <p>17 Canada to the United States, I'm not sure which one.</p> <p>18 If you just want the back of my head, from November to</p> <p>19 December, one of the trips I was -- I was -- when I</p> <p>20 got to the booth, I was -- had the same scenario.</p> <p>21 Called on the radio and the first one was</p> <p>22 three agents approached my car instead of me going to</p>	<p style="text-align: right;">Page 169</p> <p>1 taken, and search and more detail for my body.</p> <p>2 The same questions again and again, and they</p> <p>3 used to take an hour or half hour to come back and ask</p> <p>4 me more questions. I also mentioned at that time if I</p> <p>5 can call my attorney, Lena, and spoke to her about the</p> <p>6 kind of treatment that I'm having at that point, and</p> <p>7 they asked me --</p> <p>8 I asked them for my card, the card in my</p> <p>9 wallet and I was like when they give it to me, I was</p> <p>10 like I want to call my lawyer Lena. They told me oh,</p> <p>11 it's okay. You can call her when you get your phone</p> <p>12 back, even though I asked them I want to call her</p> <p>13 right now to tell her what's going on, because I got</p> <p>14 so scared at that point.</p> <p>15 I never been handcuffed in my life. I never</p> <p>16 was in that position where people pointing at me in</p> <p>17 public, feeling like a criminal. I asked them many</p> <p>18 times if I can call my attorney Lena, and the officer</p> <p>19 took the card and mentioned -- and was like oh, Lena.</p> <p>20 He laughed and he was okay, well you can call her when</p> <p>21 we give you your phone back.</p> <p>22 I asked them if I can have my phone so I can</p>

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<p>1 call her, then give it back to them, but they refused</p> <p>2 that. They said the policy is that they cannot give</p> <p>3 me the phone until I leave, and I cannot make phone</p> <p>4 calls until I leave. So I had no choice, just wait</p> <p>5 until I leave so I can call my attorney, and that's</p> <p>6 what happened.</p> <p>7 Q You said you were traveling alone at that</p> <p>8 time?</p> <p>9 A Yes.</p> <p>10 Q Was there anyone else who you knew who was</p> <p>11 there who witnessed those events?</p> <p>12 MS. MASRI: Objection, calls for speculation.</p> <p>13 Objection as to form.</p> <p>14 THE WITNESS: No one I knew.</p> <p>15 BY MS. KONKOLY:</p> <p>16 Q Did you write or post about that experience</p> <p>17 on any of your social media accounts?</p> <p>18 A No.</p> <p>19 Q Did you talk to anyone aside from your</p> <p>20 attorney about that experience at the time?</p> <p>21 A I talked to my friends and my co-workers</p> <p>22 because I was going to work that morning, but it took</p>	<p>1 Q Okay. Did we already spell his name for the</p> <p>2 record earlier?</p> <p>3 A Yes.</p> <p>4 Q Okay. So I understand that the testimony you</p> <p>5 just provided, you're unclear whether that happened in</p> <p>6 November or December of 2014. It was one of those</p> <p>7 crossings? Is that accurate?</p> <p>8 MS. MASRI: Objection as to form.</p> <p>9 THE WITNESS: I mentioned it was one of them.</p> <p>10 I'm not sure which is which.</p> <p>11 BY MS. KONKOLY:</p> <p>12 Q Okay. So on the occasion is not the one that</p> <p>13 you just described, so what we've got to. We've got</p> <p>14 November 2014 and December 2014, and you just told me</p> <p>15 about an experience that I understand to have been</p> <p>16 either November or December; correct?</p> <p>17 A Yes.</p> <p>18 Q Okay. So I'm asking about the other one,</p> <p>19 whichever, whichever way that falls. We don't know</p> <p>20 whether the one you just told us was November or</p> <p>21 December, but whichever it was. In other instance</p> <p>22 between those two crossings in November 2014, can you</p>
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<p>1 about eight hours at that experience. So I missed</p> <p>2 sleeping and wake up the next morning for work. So I</p> <p>3 had to explain to my co-workers and manager what</p> <p>4 happened, of the experience that I had.</p> <p>5 Q Where were you working at the time?</p> <p>6 A I was in 13 Hoover gas station.</p> <p>7 Q The gas station?</p> <p>8 A Yes.</p> <p>9 Q The same one you mentioned earlier?</p> <p>10 A Yes.</p> <p>11 Q How many people would you estimate that you</p> <p>12 spoke to about that experience at the time?</p> <p>13 A More than ten people.</p> <p>14 Q More than ten?</p> <p>15 A Yes.</p> <p>16 Q Okay. Did you write about it anywhere?</p> <p>17 A No.</p> <p>18 Q What is the name of your friend you were</p> <p>19 talking about earlier, who was allegedly told that</p> <p>20 -- by Border Patrol that they didn't want him to come</p> <p>21 to the United States?</p> <p>22 A Ousama Almirani.</p>	<p>1 tell me about your experience of crossing back into</p> <p>2 the United States?</p> <p>3 MS. MASRI: Objection, vague. Objection as</p> <p>4 to form, compound, confusing. I don't even understand</p> <p>5 the question.</p> <p>6 BY MS. KONKOLY:</p> <p>7 Q Do you understand the question?</p> <p>8 A I do not understand the question. I</p> <p>9 understand that you're asking me based on my head</p> <p>10 right now, even though I'm asking you if I can read,</p> <p>11 because I remember writing to know which is which.</p> <p>12 But you want it based on my head, so that's what I</p> <p>13 told you. I don't know which is which.</p> <p>14 Q Let's call it November 2014 Trip A and</p> <p>15 December 2014 Trip B.</p> <p>16 A Okay.</p> <p>17 Q Okay, and you just told me about an</p> <p>18 experience you had, but you don't recall whether it</p> <p>19 was Trip A or Trip B. It was one or the other;</p> <p>20 correct?</p> <p>21 A Correct.</p> <p>22 Q Okay. So I'm just asking you about if you</p>

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<p style="text-align: right;">Page 174</p> <p>1 just told me about Trip A, then I'm asking about Trip 2 B, and if you just told me about Trip B, then I'm 3 asking about Trip A. Do you understand? 4 MS. MASRI: I'm going to -- 5 MS. KONKOLY: I don't know how to ask this 6 otherwise, because I don't know which trip you just 7 told me about. 8 MS. MASRI: I understand, but it's going to 9 be confusing unless you allow him to take a look at 10 the notes. That way, we can all look at the same 11 trip. 12 MS. KONKOLY: I'm not asking him to read from 13 his interrogatory responses today. I would like to 14 know what he remembers. 15 MS. MASRI: Then your question is not going 16 to make sense, to be honest with you. It's vague. It 17 is vague. 18 MS. KONKOLY: I'm doing the best I can, when 19 I don't know which date was the one he just told me 20 about. 21 MS. MASRI: Well, he talked about a lot of 22 different things, and he was hopping back and forth</p>	<p style="text-align: right;">Page 176</p> <p>1 handcuffed both in November 2014 and in December 2014? 2 A Yes. 3 Q Okay. Let's assume that the incident you 4 just told me about was the November 2014 crossing. 5 I'd like you to tell me about the other one, the 6 December 2014 crossing back into the United States, 7 and what you recall about that today. 8 MS. MASRI: Objection as to form. 9 THE WITNESS: The other one is very similar 10 to the one before. I just the -- let's name them A 11 and B, and the one I mentioned earlier, let's say it's 12 A, and the second one is B. B was very similar to A, 13 and the only difference was is I -- I wait, what 14 happened. It was less officers. The first one was 15 more, about more than four officers. B was three, 16 around three because I did not know how many people 17 behind me walking. 18 But I was both handcuffed, both walked to a 19 cell, taking a different door than the normal one that 20 I used to take. It was like a back door to the cell, 21 and being searched the same way with my body, and 22 taking my everything I had and my phone, and that's</p>
<p style="text-align: right;">Page 175</p> <p>1 between the two trips. That's why I was objecting to 2 form earlier, is your follow-up question is not clear 3 which of the two. He's talking about both at the same 4 time. So your question is not going to make sense, 5 unless we're looking at something that we can all 6 agree on. 7 THE WITNESS: This happened four years ago, 8 within a month for both trips. So I do not recall 9 which one is which, unless I look at my notes, because 10 that's -- you're asking me a vague question basically. 11 BY MS. KONKOLY: 12 Q You told me about an instance in which you 13 were handcuffed when you were crossing back over from 14 the United -- from Canada to the United States. 15 That's the incident that we just discussed; is that 16 correct? 17 A Yes. 18 Q Okay. Were you telling me about one incident 19 or were you crossing over and telling me about 20 multiple incidents all at the same time? 21 A I got handcuffed twice. 22 Q You were handcuffed twice. Were you</p>	<p style="text-align: right;">Page 177</p> <p>1 it. 2 BY MS. KONKOLY: 3 Q Was your phone and your belongings returned 4 to you before you passed back over to the United 5 States? 6 A Yes. 7 Q Okay, and approximately how long were you 8 held at the border on this Incident B trip back into 9 the United States? 10 A One of them was eight hours and either B or 11 C, I mean A or B, and the other one was about seven 12 hours. 13 Q Okay, and how did you know it was about seven 14 hours? 15 A Because it was from the time I get to the 16 border and get to my house. I leave at midnight and I 17 get home in the morning. 18 Q Okay. Was anyone traveling with you on the 19 second incident, on the second time that you crossed 20 over into the United States in November and December 21 of 2014? 22 A No.</p>

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<p style="text-align: right;">Page 178</p> <p>1 Q Okay. Was there anyone else who you knew who</p> <p>2 was present at the border while you were detained in</p> <p>3 this second incident between November and December</p> <p>4 2014?</p> <p>5 MS. MASRI: Objection, calls for speculation.</p> <p>6 THE WITNESS: Not that I know of.</p> <p>7 BY MS. KONKOLY:</p> <p>8 Q Did you write about this incident or post</p> <p>9 about it on any of your social media accounts?</p> <p>10 A No.</p> <p>11 Q Did you talk to anyone about it aside from</p> <p>12 your attorney?</p> <p>13 A I talked to my family and friends.</p> <p>14 Q How many people?</p> <p>15 A More than ten.</p> <p>16 Q Okay. Did you write about it anywhere else?</p> <p>17 A No.</p> <p>18 Q Do you believe that these experiences we've</p> <p>19 talked about in the fall and winter of 2014 crossing</p> <p>20 the bridge back and forth from Canada to the United</p> <p>21 States are the result of your placement on the watch</p> <p>22 list?</p>	<p style="text-align: right;">Page 180</p> <p>1 Q The Windsor Tunnel?</p> <p>2 A Yes.</p> <p>3 Q And what was the purpose of this trip?</p> <p>4 A Visiting friends.</p> <p>5 Q The same friends?</p> <p>6 A Yes.</p> <p>7 Q Were you traveling alone or by yourself?</p> <p>8 A By myself.</p> <p>9 Q Okay. What happened on your crossing from</p> <p>10 the United States into Canada?</p> <p>11 A What happened?</p> <p>12 Q Did anything happen?</p> <p>13 A From the United States to Canada, I was</p> <p>14 stopped at the Canadian border, and the same thing.</p> <p>15 Got pulled the side, searched and I stayed about three</p> <p>16 hours, questions about where I'm going, where I will</p> <p>17 be staying, basically the same questions I had in the</p> <p>18 trip before.</p> <p>19 And also, it was more details about</p> <p>20 questioning getting what they had through the phone.</p> <p>21 What I mean by detailed, they used to come approach me</p> <p>22 at the counter, ask me one question and keep the phone</p>
<p style="text-align: right;">Page 179</p> <p>1 MS. MASRI: Objection, calls for a legal</p> <p>2 conclusion, calls for speculation. Objection as to</p> <p>3 form. Answer if you can.</p> <p>4 THE WITNESS: It was definitely because I was</p> <p>5 being chose out of everyone crossing the border, and</p> <p>6 every time I get worse treatment and scarier than the</p> <p>7 one before. Just makes me feel that I had something</p> <p>8 different than everyone else crossing the border. So</p> <p>9 yes.</p> <p>10 BY MS. KONKOLY:</p> <p>11 Q Did anyone, did any government official ever</p> <p>12 tell you that you were on a watch list?</p> <p>13 A Personally, no.</p> <p>14 Q If you could turn to paragraph 18? It says,</p> <p>15 "On April 11th, 2015, you exited the United States and</p> <p>16 went into Canada." Is that accurate?</p> <p>17 A Yes.</p> <p>18 Q Okay. Where specifically did you make that</p> <p>19 crossing?</p> <p>20 A The April 11th, right?</p> <p>21 Q April 11th, 2015.</p> <p>22 A Tunnel from Detroit to Windsor.</p>	<p style="text-align: right;">Page 181</p> <p>1 to the side so they can go back, give the answer, then</p> <p>2 come back and ask me another question.</p> <p>3 Q And you're talking about Canadian officials?</p> <p>4 I just want to make it clear?</p> <p>5 A Yes, yes.</p> <p>6 Q When you say "they"?</p> <p>7 A Yes.</p> <p>8 Q Canadian?</p> <p>9 A Canadian. This is at the Canadian border,</p> <p>10 and it was very detailed, where I'm going to be, when</p> <p>11 I'm going to come back exactly. And especially at</p> <p>12 this time, they asked me -- they asked me tell us</p> <p>13 exactly what time are you going to be there, and I</p> <p>14 told them around 12:00. They said okay, if you do not</p> <p>15 be at the border at 12:00 exactly, this is the number.</p> <p>16 Call us and let us know if you're coming earlier or</p> <p>17 before, just to know exactly when are you crossing the</p> <p>18 border. That's it, yeah.</p> <p>19 Q Okay. How long did that conversation last?</p> <p>20 A At the Canadian border?</p> <p>21 Q At the Canadian border on your way into</p> <p>22 Canada?</p>

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<p>1 A Three, two, around three hours.</p> <p>2 Q And how long did you stay in Canada on this</p> <p>3 trip?</p> <p>4 A Same day I came back.</p> <p>5 Q Okay. What was -- I can't remember if I've</p> <p>6 asked this question for this particular trip. What</p> <p>7 the purpose of this trip?</p> <p>8 A Visit friends.</p> <p>9 Q Just for one day?</p> <p>10 A Yeah.</p> <p>11 Q The same friends?</p> <p>12 A Yes.</p> <p>13 Q You didn't stay overnight?</p> <p>14 A Actually we, there was like lunch because my</p> <p>15 friend there got engaged, so I just went there for</p> <p>16 lunch and came back.</p> <p>17 Q Okay, and what time did you intend to come</p> <p>18 back?</p> <p>19 A I told them I'm coming back at between 11:30</p> <p>20 and 12:00, and I got there between 11:30 and 12:00.</p> <p>21 Q P.M.?</p> <p>22 A Yes.</p>	<p>1 A Took the bridge.</p> <p>2 Q Which bridge?</p> <p>3 A The Detroit-Windsor Bridge.</p> <p>4 Q Okay, and what happened when you arrived at</p> <p>5 the Detroit-Windsor Bridge?</p> <p>6 A Okay. At that time, I was -- I had just</p> <p>7 gotten a car, a new car. I had -- the person at the</p> <p>8 booth, I was actually -- when I got to the booth at</p> <p>9 the bridge, I gave him my ID and the letter that I had</p> <p>10 from Homeland Security that I received after</p> <p>11 submitting that first, the travel inquiry.</p> <p>12 I received a letter for a number that I had</p> <p>13 to present when I cross the border, and when they did</p> <p>14 that, he swiped my ID and had the same reaction, and</p> <p>15 because they're not used to me crossing the bridge,</p> <p>16 there was different people and a different scenario.</p> <p>17 Basically, I was asked to put my hands on the wheel</p> <p>18 until three agents or four came to the back of the</p> <p>19 car.</p> <p>20 They asked me to get out, leave everything in</p> <p>21 the car, the keys. I was also asked by the agent at</p> <p>22 the booth how did -- he asked me where I work, and I</p>
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<p>1 Q Did you write or post about your experience</p> <p>2 crossing into Canada in April 2015 on any of your</p> <p>3 social media accounts?</p> <p>4 A No.</p> <p>5 Q Did you talk to anyone about that crossing,</p> <p>6 aside from your attorney?</p> <p>7 A I talked to friends, family, every students</p> <p>8 in my school and everyone that knew about this</p> <p>9 incident I was questioned by.</p> <p>10 Q So how many people would you estimate that</p> <p>11 you talked to about this crossing into Canada in April</p> <p>12 2015?</p> <p>13 A Into Canada?</p> <p>14 Q Yeah, into Canada.</p> <p>15 A Oh. More than ten people.</p> <p>16 Q Okay. Did you write about this experience</p> <p>17 anywhere?</p> <p>18 A No.</p> <p>19 Q So you came back the same day?</p> <p>20 A Yes.</p> <p>21 Q Okay. Did you take the Windsor Tunnel or a</p> <p>22 different crossing?</p>	<p>1 told him I work at a gas station, and he told me how</p> <p>2 can you work at a gas station and afford this car? Is</p> <p>3 that really yours or not?</p> <p>4 I told him it's mine, and it was registered</p> <p>5 under my uncle's name. So he was just making fun of</p> <p>6 that, and then when I got out of the car, I was</p> <p>7 basically handcuffed in the back of my car, walked</p> <p>8 into the building at the bridge. They took me to a</p> <p>9 cell that was very bright light and very cold, and for</p> <p>10 -- they took my shoes, they took my watch, my phone,</p> <p>11 everything I had, even my belt.</p> <p>12 They even the seat in that room was a metal</p> <p>13 seat and it was freezing. So I tried to stand up or</p> <p>14 stay away from it because it was cold either way I sit</p> <p>15 or stand. So I was asked questions every -- at the</p> <p>16 beginning, I was asked a lot of questions for about an</p> <p>17 hour, and then they left me alone. They sent another</p> <p>18 agent, basically asked me the same questions just in a</p> <p>19 different form, and I couldn't say I already answered</p> <p>20 the questions because it was a different person.</p> <p>21 Until the fourth time I was approached by</p> <p>22 another agent, and I told them, you know, there's</p>

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<p>1 three other agents that came and asked me the same 2 exact questions over and over, just different 3 questions. He told me this is a different shift. If 4 you want to get out, you have to answer my questions, 5 and I just have to repeat myself even though I was 6 freezing.</p> <p>7 I stayed there for approximately more than 8 ten hours. Every hour, hour and a half I get agent 9 coming to the cell, ask me questions, more everything 10 about my family, everyone I knew, even like my 11 cousins, my cousins' names, my uncles, everyone I 12 knew, and everything I'd done in my past.</p> <p>13 Also, they asked me to -- one of the last 14 ones I was feeling so cold and my head started hurting 15 because of the bright light, I asked the officer if I 16 can get my shoes or a blanket because it's getting so 17 cold, and he told me that we're almost there to let 18 you out. I waited another hour, and then started 19 knocking on the door for --</p> <p>20 I know when they walked me, it was at the end 21 of the hall. So I started knocking on the door. They 22 hear me, no one answered and I also waited for like</p>	<p>1 he took me -- he realized that it's dangerous. So he 2 told me to get up and asked for -- he called on the 3 radio.</p> <p>4 Another two officers came and took me to the 5 waiting room, and I was still shaking by then, and 6 they told me you okay? What's going on? I was like I 7 can't hold it. It's freezing in there. I've been 8 asking you guys to give me my shoes, something that 9 can keep me warm.</p> <p>10 They said okay, we'll let you out in a few 11 minutes. Just hold on. I told them I can't, I cannot 12 leave in this situation. My whole body is shaking. I 13 don't think I'm going to be able to drive. I really 14 need to go to the hospital. So they called an 15 ambulance. When the ambulance arrived, they took me 16 to the -- by the way I was -- in the waiting room I 17 was handcuffed.</p> <p>18 When I walked to the ambulance they -- I was 19 -- no, I'm sorry. I did not walk to the ambulance.</p> <p>20 The ambulance brought the bed. They put me in the bed 21 and then took me to the ambulance outside, and then 22 the officer handcuffed me to the bed in the ambulance.</p>
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<p>1 10, 15 minutes and I heard someone came by, and I 2 started asking for help. Hey, can someone hear me. 3 But I heard the officers talked by the cell, listen to 4 what I was saying and then kept on walking.</p> <p>5 All I remember after that is I started 6 getting so drowsy and the headache started getting 7 more and I started shaking, and I started asking for I 8 need to go to the hospital, I need an ambulance. Then 9 an officer came and told me what's going on, why you 10 need the ambulance?</p> <p>11 I told him I'm freezing. I'm freezing to 12 death. Please let me out or let me out, at least in 13 the waiting room. I cannot wait here longer, and he 14 told me okay, we're almost there. Just hang up, just 15 hang on. We'll let you out shortly. I waited, you 16 know, another like 30 minutes. I couldn't hold it.</p> <p>17 All I remember after that is I was laying on the 18 floor, and the officer was waking me up, asking me if 19 I'm okay and I was shaking when he woke me up.</p> <p>20 That was my first time falling unnoxious 21 (sic) ever in my life. Never felt like I was freezing 22 to death. I never felt like I was going to die, and</p>	<p>1 The nurse that was at the ambulance asked the officer 2 why are you still handcuffed him, he's barely moving, 3 and he told her to shut up and that's not her 4 business.</p> <p>5 And I remember like she was back and forth, 6 like why are you still doing this to him? He's barely 7 moving. I was just trying to grab the blanket and 8 stay warm at that time. When I was listening to them, 9 I felt like it's an echo, it's not real what's 10 happening because I was so -- I never felt that way. I 11 felt like I was going to die, and what happened is 12 something I never experienced in my life.</p> <p>13 I was just thinking of if I die, these people 14 that, referring to the Border agents that kept me in 15 the cell for more than ten hours, nobody knows about 16 me, I can die and they can -- they can do whatever 17 with my body, and nobody would know what happened to 18 me. So I was just trying to stay strong and trying to 19 stay awake so I know everything that's happening 20 around me.</p> <p>21 I remember going to the hospital and they put 22 me on a chair because I couldn't walk, cuffed me into</p>

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<p>1 the chair. We were -- the officer took me inside and</p> <p>2 then I was -- I was taken to a room inside the</p> <p>3 hospital. They put me in a bed and I asked -- I</p> <p>4 remember asking the nurse for extra blankets, because</p> <p>5 I cannot stop shaking from how cold I was.</p> <p>6 She gave me blankets and then a doctor came</p> <p>7 and asked me what happened, and I remember the officer</p> <p>8 told him not to ask me these kind of questions, and</p> <p>9 the doctor asked him to step outside and he talked to</p> <p>10 him, that he have to do this in order to process me or</p> <p>11 in order to help me.</p> <p>12 I heard them getting into an argument, and</p> <p>13 then the doctor told the Border Patrol agent or</p> <p>14 officer to stay out the room if he wants me to get</p> <p>15 medical treatment. At the end, the doctor came and I</p> <p>16 told him everything happened to me.</p> <p>17 I was actually, I was so happy that I was</p> <p>18 left alone with the doctor, I started telling him</p> <p>19 everything, thinking I was going to die, and if I die,</p> <p>20 there's someone I can trust that would send the story</p> <p>21 or give it to my family so they know what happened to</p> <p>22 me.</p>	<p>1 which is metal seats and they handcuffed me to the</p> <p>2 floor of that bus. It was -- there was a handcuff</p> <p>3 area they can handcuff me to the floor, until we got</p> <p>4 to the bridge.</p> <p>5 They gave me everything back the minute I</p> <p>6 exited the bus, and they gave me everything, and they</p> <p>7 gave me my car keys. They told me you're ready to go.</p> <p>8 I wasn't feeling good, but I drove home and it was</p> <p>9 about noon at that time when I arrived home, and I was</p> <p>10 also -- I was -- yeah, after I got home, I remember my</p> <p>11 brother was home and he was asking me what happened.</p> <p>12 I just couldn't talk. I told him can we talk</p> <p>13 about this a different time. After that experience, I</p> <p>14 remember staying home, not going to school, not going</p> <p>15 to work for about four days, just scared leaving the</p> <p>16 house. I got scared of my situation. I stayed in</p> <p>17 bed. My body couldn't actually function. Every time</p> <p>18 I wake up, I feel like I'm hearing sounds in my head.</p> <p>19 I'm hearing the questions that guy repeated</p> <p>20 to me in the cell, and so I kept -- I stayed home for</p> <p>21 about four days sleeping most of the time, and just</p> <p>22 scared of travel again. After that was basically my</p>
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<p>1 So I started telling him everything. I</p> <p>2 started telling him what kind of treatment I had in</p> <p>3 the past on the border, and I remember like explaining</p> <p>4 everything for about an hour or so. That's when I</p> <p>5 felt real comfortable and came down. He gave me I</p> <p>6 believe it was -- we did the blood tests and urine</p> <p>7 test and also, he gave me a pill or a shot, I do not</p> <p>8 remember.</p> <p>9 All I remember just it put me to sleep. I</p> <p>10 slept and my body just calmed down. I felt so</p> <p>11 comfortable after I was speaking to the doctor, and</p> <p>12 told him what happened and because honestly, I felt</p> <p>13 like at that point I was -- I was dying and I just</p> <p>14 wanted my mom to know what happened to me.</p> <p>15 So after I woke up, the doctor came to</p> <p>16 release me and he woke me up and told me you're ready</p> <p>17 to go, how do you feel? I told him I feel better, but</p> <p>18 I don't know why my head's going -- is still hurting</p> <p>19 me. He said you'll feel better, just as long as you</p> <p>20 can get up and walk.</p> <p>21 He released me. We got back in the Border</p> <p>22 Patrol bus, and they put me in the back of the bus,</p>	<p>1 last time crossing the border until August or June</p> <p>2 2017.</p> <p>3 Q June of 2017?</p> <p>4 A Yes, when I went to -- drove to JFK, then --</p> <p>5 Q Saudi Arabia and Yemen?</p> <p>6 A Yes.</p> <p>7 Q Okay. Have you crossed the border by land</p> <p>8 since this April 2015 incident?</p> <p>9 MS. MASRI: I'm sorry. I don't want to</p> <p>10 interrupt. I just want a quick clarification, that</p> <p>11 last one. You said fall noxious. What was --</p> <p>12 MS. KONKOLY: Wait, I'm going to -- Lena,</p> <p>13 this is my deposition. I don't think this is proper</p> <p>14 for you to be correcting your witness' testimony in</p> <p>15 this matter.</p> <p>16 MS. MASRI: Well I mean --</p> <p>17 MS. KONKOLY: If you have a question you'd</p> <p>18 like to ask on redirect --</p> <p>19 MS. MASRI: I'll redirect.</p> <p>20 MS. KONKOLY: --I'm going to ask you to save</p> <p>21 it for then.</p> <p>22 MS. MASRI: That's fine. I'll redirect.</p>

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<p>1 BY MS. KONKOLY:</p> <p>2 Q Have you crossed the United States border</p> <p>3 into Canada or Mexico since this incident in April</p> <p>4 2015?</p> <p>5 A No.</p> <p>6 Q Okay, and I believe you said you were</p> <p>7 traveling alone on April 11th, 2015; is that correct?</p> <p>8 A Yes.</p> <p>9 Q Okay. Was anyone else there who you knew,</p> <p>10 who witnessed this incident crossing back into the</p> <p>11 United States?</p> <p>12 A No.</p> <p>13 Q Did you write or post about this on any of</p> <p>14 your social media accounts?</p> <p>15 A No.</p> <p>16 Q Did you talk to anyone, aside from your</p> <p>17 attorney, about this incident?</p> <p>18 A I talked to everyone I knew that knew about</p> <p>19 what happened to me, and that's probably more than 30</p> <p>20 people.</p> <p>21 Q More than 30?</p> <p>22 A Yes.</p>	<p>1 because I did not answer phone. I did not leave my</p> <p>2 bed, just to the bathroom and back. I was so --</p> <p>3 sometimes I used to wake up in the middle of my sleep</p> <p>4 shaking, feel my body still cold inside, even though I</p> <p>5 was covered with blankets at home.</p> <p>6 I basically felt like that four days was the</p> <p>7 worse four days of my life, because I used to hear</p> <p>8 sounds like in my head. The only person I talked to</p> <p>9 at that four days was my brother that used to live</p> <p>10 with me.</p> <p>11 Q Are there any consequences from this April</p> <p>12 11th, 2015 incident that we haven't already discussed?</p> <p>13 MS. MASRI: Objection, calls for a legal</p> <p>14 conclusion, calls for speculation. Objection as to</p> <p>15 form.</p> <p>16 THE WITNESS: Consequence was actually after</p> <p>17 that, and actually before that, but this made it very</p> <p>18 clear, that my friends and family used to make fun of</p> <p>19 me about what happened, and not just fun. Even</p> <p>20 friends that I used to hang out with, they used to</p> <p>21 tell me all the time oh, I don't know if we should go</p> <p>22 out together. How about we just meet up over there,</p>
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<p>1 Q Okay. Did you write about it anywhere?</p> <p>2 A No.</p> <p>3 Q Do you believe that this happened to you</p> <p>4 because you were on a watch list?</p> <p>5 A I do, and I -- yes, I do.</p> <p>6 Q Did anyone tell you at the time? Did any CBP</p> <p>7 officials tell you that you were on a watch list?</p> <p>8 A No.</p> <p>9 Q What is your basis for believing that this</p> <p>10 happened because you were on a watch list?</p> <p>11 A Because of the treatment I had on the kind of</p> <p>12 questions I was being asked, and every time I was</p> <p>13 asked, especially that April 11th crossing, when I was</p> <p>14 asked about terrorist groups and what I have been</p> <p>15 doing in -- who do I contact in Yemen and if I have --</p> <p>16 they started asking me about people that I knew from</p> <p>17 TV happened to be terrorist people like bin Laden and</p> <p>18 others.</p> <p>19 Q You mentioned that you missed class and work</p> <p>20 for three or four days. Is that -- did I understand</p> <p>21 that correctly?</p> <p>22 A I missed my life in that three and four days</p>	<p>1 because we cannot trust you after what happened to</p> <p>2 you.</p> <p>3 We don't know if it's true or not. If the</p> <p>4 government is taking it serious, why wouldn't we take</p> <p>5 it serious? So it affected me and also made me stay</p> <p>6 away from my friends. I stayed away from my cousins</p> <p>7 that used to bring this up all the time, because it</p> <p>8 used to affect me emotionally.</p> <p>9 Also, that also one of the things that made</p> <p>10 me stop crossing the border and I -- made me also</p> <p>11 doubt myself, am I a bad person that needs to be given</p> <p>12 or treated this way, even though I'm going to school,</p> <p>13 work, paying for rent and trying to stay -- live like</p> <p>14 a normal person.</p> <p>15 But every time I used to, you know, hear this</p> <p>16 from my friends or family or anyone that knew about</p> <p>17 it, I used to feel like I'm -- I need to take a step</p> <p>18 back and realize who I am and if I'm really a bad</p> <p>19 person like the people at the Tunnel and Bridge think</p> <p>20 I am.</p> <p>21 But there is nothing I have done in my life</p> <p>22 that makes me being suspicious or anything. It</p>

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<p style="text-align: right;">Page 198</p> <p>1 affected me every day. Until this day I think about</p> <p>2 it and watch every step I do, every move I do. It's</p> <p>3 really sad that incident, and I remember April 11th</p> <p>4 like it's yesterday.</p> <p>5 MS. KONKOLY: If I could have you turn to</p> <p>6 Exhibit J in your binder? Go ahead and mark it. You</p> <p>7 produced these documents to us in discovery. They</p> <p>8 appear to be medical records related to your treatment</p> <p>9 on April 11th, 2015. I'll just have you go through</p> <p>10 those documents and confirm that understanding.</p> <p>11 (Witness reviewing documents.)</p> <p>12 THE WITNESS: Yes.</p> <p>13 MS. KONKOLY: Go ahead and mark it, and if</p> <p>14 you could flip to Exhibit K. Have you seen this</p> <p>15 document before?</p> <p>16 (Whereupon, the document</p> <p>17 referred to was marked for</p> <p>18 identification as Exhibit K.)</p> <p>19 (Witness reviewing document.)</p> <p>20 THE WITNESS: I do not remember.</p> <p>21 BY MS. KONKOLY:</p> <p>22 Q You don't know what this document is?</p>	<p style="text-align: right;">Page 200</p> <p>1 Q Did it expire?</p> <p>2 A I don't know. Of course, it expired. It was</p> <p>3 a long time ago.</p> <p>4 Q Okay, and you said you traveled on it once?</p> <p>5 A Yes.</p> <p>6 Q From Yemen to Saudi Arabia?</p> <p>7 A Correct.</p> <p>8 Q And how old were you at the time?</p> <p>9 A I'm not sure. I know I used it once and then</p> <p>10 I lost it.</p> <p>11 Q Were you in high school?</p> <p>12 A It was after high school.</p> <p>13 Q Were you in college?</p> <p>14 A No.</p> <p>15 Q In between?</p> <p>16 A It was -- it was after 2011, probably between</p> <p>17 2011 and 2012. I do not recall exactly.</p> <p>18 Q Okay. So if you could turn to page eight of</p> <p>19 your passport?</p> <p>20 A Page eight.</p> <p>21 MS. MASRI: We're talking about Bates 10,</p> <p>22 right?</p>
<p style="text-align: right;">Page 199</p> <p>1 A I do not remember.</p> <p>2 MS. KONKOLY: Okay. You can go ahead and</p> <p>3 mark it anyway, since we've talked about it. If we</p> <p>4 could flip to Exhibit H, mark that one. Is this a</p> <p>5 copy of your passport?</p> <p>6 (Whereupon, the document</p> <p>7 referred to was marked for</p> <p>8 identification as Exhibit H.)</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MS. KONKOLY:</p> <p>11 Q Have you ever had any other passports?</p> <p>12 A No.</p> <p>13 Q Have you ever traveled on a passport from</p> <p>14 another country?</p> <p>15 A I'm sorry. I take that back. I remember one</p> <p>16 time I lost my passport in Yemen, when I was in Yemen,</p> <p>17 and I went to Saudi Arabia and then I -- I got a</p> <p>18 Yemeni passport so I can travel to Saudi Arabia, but</p> <p>19 that was the only time I used it.</p> <p>20 Q Okay. Do you still have that Yemeni</p> <p>21 passport?</p> <p>22 A No.</p>	<p style="text-align: right;">Page 201</p> <p>1 BY MS. KONKOLY:</p> <p>2 Q It's Bates 10, page eight on the passport.</p> <p>3 A All right.</p> <p>4 Q It looks like there's an entry stamp for</p> <p>5 Yemen, and it says "08/06/2013."</p> <p>6 A Okay.</p> <p>7 Q I'm unclear whether that's June 8th, 2013 or</p> <p>8 August 6th, 2013. Do you know?</p> <p>9 MS. MASRI: I'm going to just object, that</p> <p>10 the document speaks for itself.</p> <p>11 BY MS. KONKOLY:</p> <p>12 Q I'm asking whether you know which way that I</p> <p>13 should read that date?</p> <p>14 A I'm not sure, but it could be August 6th, but</p> <p>15 I'm still not sure.</p> <p>16 Q Okay. The wallet looks like there's an exit</p> <p>17 stamp, and it could either be October 5th or May 10th,</p> <p>18 2012.</p> <p>19 MS. MASRI: Again objection, the document</p> <p>20 speaks for itself.</p> <p>21 BY MS. KONKOLY:</p> <p>22 Q Do you know which way to read that?</p>

Exhibit G

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ANAS ELHADY, ET AL.,

Plaintiffs,

vs.

1:16-CV-375(AJT/JFA)

CHARLES H. KABLE, ET AL.

Defendants.

Washington, D.C.

Thursday, December 21, 2017

Deposition of:

MURAT FRLJUCKIC

called for oral examination by counsel for
Defendants, pursuant to notice, at the office of
Department of Justice, 20 Massachusetts Avenue,
N.W., Room 7125, Washington, D.C., before
Karen Lynn, RPR, of Capital Reporting Company,
beginning at 10:31 a.m., when were present on
behalf of the respective parties:

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<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 On behalf of Plaintiffs:</p> <p>3 DENA ROTH, ESQUIRE</p> <p>4 U.S. Department of Justice</p> <p>5 20 Massachusetts Avenue, N.W.</p> <p>6 Room 7125</p> <p>7 Washington, D.C. 20001</p> <p>8 (202) 514-5108</p> <p>9 dena.m.roth@usdoj.gov</p> <p>10</p> <p>11 On behalf of Defendants:</p> <p>12 GADEIR ABBAS, ESQUIRE</p> <p>13 Council on American-Islamic Relations</p> <p>14 453 New Jersey Avenue, S.E.</p> <p>15 Washington, D.C. 20003</p> <p>16 (202) 742-6423</p> <p>17 gabbas@cair.com</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p style="text-align: center;">* * * * *</p>	<p style="text-align: right;">Page 4</p> <p>1 PROCEEDINGS</p> <p>2 WHEREUPON,</p> <p>3 MURAT FRLJUCKIC</p> <p>4 called as a witness, and having been first duly</p> <p>5 sworn, was examined and testified as follows:</p> <p>6 MR. ABBAS: I'd like to order today's</p> <p>7 deposition; electronic copy.</p> <p>8 EXAMINATION BY COUNSEL FOR DEFENDANTS:</p> <p>9 Q Good morning.</p> <p>10 A Good morning.</p> <p>11 Q My name is Dena Roth, and I am an</p> <p>12 attorney for the defendants in this case.</p> <p>13 Before we get started this morning, I</p> <p>14 thought I'd go over a few instructions that I</p> <p>15 think will help us all to make sure that today's</p> <p>16 deposition goes smoothly and efficiently. I want</p> <p>17 to be respectful of your time and make sure that</p> <p>18 this -- you know, that we understand each other</p> <p>19 and this is as clear as possible.</p> <p>20 First rule about a deposition is, unlike</p> <p>21 normal conversations where people can interrupt</p> <p>22 each other or talk over each, because we have a</p>																																										
<p style="text-align: right;">Page 3</p> <p>1 CONTENT</p> <p>2 PAGE</p> <p>3 EXAMINATION BY COUNSEL FOR DEFENDANTS 4</p> <p>4</p> <p>5 FRLJUCKIC DEPOSITION EXHIBITS</p> <p>6</p> <table border="0"> <tr> <td>EXHIBIT</td> <td>PAGE</td> </tr> <tr> <td>NUMBER</td> <td></td> </tr> <tr> <td>Exhibit A Complaint</td> <td>13</td> </tr> <tr> <td>Exhibit B Plaintiff's</td> <td>18</td> </tr> <tr> <td>discovery responses</td> <td></td> </tr> <tr> <td>Exhibit C Plaintiff's</td> <td>22</td> </tr> <tr> <td>discovery responses</td> <td></td> </tr> <tr> <td>Exhibit D Plaintiff's</td> <td></td> </tr> <tr> <td>discovery responses</td> <td></td> </tr> <tr> <td>Exhibit E Copy of passport</td> <td>29</td> </tr> <tr> <td>Exhibit F Department of State</td> <td>52</td> </tr> <tr> <td>letter</td> <td></td> </tr> <tr> <td>Exhibit I DHS letter</td> <td>55</td> </tr> <tr> <td>Exhibit J DHS letter</td> <td>88</td> </tr> <tr> <td>Exhibit K Itinerary</td> <td>71</td> </tr> <tr> <td>Exhibit L Traveler inquiry</td> <td>92</td> </tr> <tr> <td>form</td> <td></td> </tr> <tr> <td>Exhibit M DHS letter</td> <td>89</td> </tr> <tr> <td>Exhibit N DHS letter</td> <td>57</td> </tr> <tr> <td>Exhibit P Traveler inquiry</td> <td>96</td> </tr> <tr> <td>form</td> <td></td> </tr> </table> <p>16</p> <p>17</p> <p>18 (Exhibits attached to transcript.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	EXHIBIT	PAGE	NUMBER		Exhibit A Complaint	13	Exhibit B Plaintiff's	18	discovery responses		Exhibit C Plaintiff's	22	discovery responses		Exhibit D Plaintiff's		discovery responses		Exhibit E Copy of passport	29	Exhibit F Department of State	52	letter		Exhibit I DHS letter	55	Exhibit J DHS letter	88	Exhibit K Itinerary	71	Exhibit L Traveler inquiry	92	form		Exhibit M DHS letter	89	Exhibit N DHS letter	57	Exhibit P Traveler inquiry	96	form		<p style="text-align: right;">Page 5</p> <p>1 court reporter in the room and she's transcribing</p> <p>2 everything, it's extremely important that we not</p> <p>3 interrupt each other. So what I'll ask of you is</p> <p>4 that you wait until I finish my question before</p> <p>5 you answer the question. And I commit to you that</p> <p>6 I will wait until you answer your question before</p> <p>7 I say anything further.</p> <p>8 Does that make sense?</p> <p>9 A Yeah.</p> <p>10 Q Great. You understand that you're under</p> <p>11 oath today, and that's the same as if you were in</p> <p>12 a courtroom with a judge. Obviously we're not in</p> <p>13 a courtroom, but there is a court reporter and she</p> <p>14 just swore you in, so everything you say is under</p> <p>15 oath.</p> <p>16 Do you understand that?</p> <p>17 A Uh-huh.</p> <p>18 Q I'm going to ask that you give answers</p> <p>19 that are verbal, yes or no --</p> <p>20 A Yes.</p> <p>21 Q -- rather than nodding your head?</p> <p>22 A Yes. Yes.</p>
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<p style="text-align: right;">Page 46</p> <p>1 A Yes.</p> <p>2 Q And that was just for a few minutes, but</p> <p>3 you answered the questions and they let you go?</p> <p>4 A Yes.</p> <p>5 Q Okay. So now we're -- I think we're</p> <p>6 through 2011. The next paragraph, Paragraph 15,</p> <p>7 talks about early 2013, but I'd like to just turn</p> <p>8 to Tab A. So if you can turn back to Exhibit A</p> <p>9 and find the Paragraph 331, which is on Page 53.</p> <p>10 I'm just going to read this for the</p> <p>11 record, "On or about October 2002 [sic],</p> <p>12 Mr. Murat Frljuckic was referred to secondary</p> <p>13 inspection, handcuffed and detained by CDP at the</p> <p>14 border stop the Blue Water Bridge port of entry</p> <p>15 Port Huron, Michigan, where he attempted to</p> <p>16 reenter the United States after a brief vacation</p> <p>17 in Canada."</p> <p>18 So the reason I'm turning to this is</p> <p>19 because chronologically it looks like it's the</p> <p>20 next trip that we have. We just talked about</p> <p>21 crossing in 2011, and then this is in October of</p> <p>22 2012.</p>	<p style="text-align: right;">Page 48</p> <p>1 A My mom, but she's 70-years-old.</p> <p>2 Q And after they handcuffed you, what</p> <p>3 happened?</p> <p>4 A They take me aside. I told them what's</p> <p>5 going on. Why are you guys doing this? He says,</p> <p>6 it's for our safety. They took some of my clothes</p> <p>7 off. They pat me down. They tightened my</p> <p>8 handcuffs -- they tied the handcuffs so hard and</p> <p>9 then my wrist was hurting. They hold me like that</p> <p>10 for maybe 30 minutes. And after they took off the</p> <p>11 handcuffs, I went to finger -- how do you say</p> <p>12 that? They took my fingerprints, and they reunite</p> <p>13 me with my mom and my son.</p> <p>14 And from that on, they made me wait for a</p> <p>15 while, and then they called me back in, and they</p> <p>16 asked me all kind of questions, like religious</p> <p>17 questions, like where I go -- which mosque I</p> <p>18 attend, who do I listen, who do I associate with.</p> <p>19 So very, very -- how can I say -- interrogating</p> <p>20 questions. I don't even remember some of them.</p> <p>21 And then I went back in the waiting room</p> <p>22 with my son and my mom, and four hours later, they</p>
<p style="text-align: right;">Page 47</p> <p>1 Do you recall this --</p> <p>2 A 2012 --</p> <p>3 Q -- incident?</p> <p>4 A -- Yes.</p> <p>5 Q Can you describe what occurred when you</p> <p>6 came back in the country on this trip?</p> <p>7 A I went to visit my brother in Canada; me</p> <p>8 and my mom and my four-year-old son.</p> <p>9 I'm sorry.</p> <p>10 Q Take your time.</p> <p>11 A When we came back three days later, when</p> <p>12 I came to the border, the officer swiped my</p> <p>13 passport and something started ringing. And the</p> <p>14 next thing I seen like five guys surrounded my car</p> <p>15 with guns pointing at me, and the guy told me to</p> <p>16 slowly come out, walk back. He was holding the</p> <p>17 gun on me constantly, and then they handcuffed me</p> <p>18 in front of my four-year-old kid. He was crying</p> <p>19 so much. That was the hardest thing for me to</p> <p>20 see.</p> <p>21 Q Other than your four-year-old son, was</p> <p>22 anyone else in the car with you?</p>	<p style="text-align: right;">Page 49</p> <p>1 came back. They said they were sorry, and we</p> <p>2 could go. You're free to go. Just like that.</p> <p>3 Q So you said that was about four hours</p> <p>4 from start to finish?</p> <p>5 A Yeah.</p> <p>6 Q Or just from the point where they --</p> <p>7 A Waiting period. Waiting period in there.</p> <p>8 Q And during that time, where were</p> <p>9 your -- where do you recall your mother and son?</p> <p>10 Where were they?</p> <p>11 A They were in the waiting area. It's like</p> <p>12 a section you wait -- where I was -- I went to</p> <p>13 join them later on after they were done with me.</p> <p>14 Q They were not in the car? They were not</p> <p>15 waiting in the car?</p> <p>16 A The whole time, no. No.</p> <p>17 Q Do you recall what time of day it was?</p> <p>18 A I was -- I believe around 5:00 maybe.</p> <p>19 Q In the evening?</p> <p>20 A Yes.</p> <p>21 Q When -- when you arrived at the border?</p> <p>22 A Yes.</p>

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<p style="text-align: right;">Page 66</p> <p>1 16, which I'll read. 2 "In early 2013, plaintiff exited the 3 United States to Canada by car. In early 2013, 4 the plaintiff entered the United States from 5 Canada by car." 6 Do you recall that trip? 7 A Yes. 8 Q Would this be a separate trip from the 9 incident in October? 10 A Yes. 11 Q Did you have any problems crossing the 12 border on this trip in early 2013? 13 A Yes. 14 Q Can you describe that for me, please? 15 A This is the one -- if I remember 16 correctly, we went to a wedding, my niece got 17 married. If I remember correctly, it was in 18 January 2013. 19 Well, at this time, we was -- all of my 20 family together; my eight kids and my wife. And, 21 of course, I expect it because I had a problem 22 from before. It was a little bit easier because I</p>	<p style="text-align: right;">Page 68</p> <p>1 office where they interrogate me so, so much. I 2 believe it was at least an hour. 3 Then after that, I was released and went 4 in the waiting area, I waited with my family 5 there. I want to say that time was three and a 6 half hours instead of four hours. And every once 7 in a while, I would go to them and ask them why is 8 it taking so long, what are we waiting. They 9 would reply that it's not -- it has nothing to do 10 with them. It's -- they waiting phone call from 11 Washington or somewhere -- I don't know where -- 12 to clear me out so we could leave. 13 Of course, it's very scary and 14 frustrating, including -- all my kids are 15 terrified. Myself, too. 16 Q Do you recall who in your family was with 17 you in the car on this occasion? 18 A All of us; my eight kids and my wife and 19 me. 20 Q I take it you were driving a van or -- 21 A Yes. 22 MR. ABBAS: Eight kids.</p>
<p style="text-align: right;">Page 67</p> <p>1 mentally prepared myself. But same thing, 2 police -- or I mean, the officers, or whatever 3 they call them there, they surrounded my car with 4 guns. They told me to use my left hand to shut 5 off the car, to open the door, walk slowly back, 6 don't look at them, put my head down, handcuff me. 7 My family, they told to drive on the side 8 and to go in the waiting area. I was again -- pat 9 down. And I don't remember -- I believe that time 10 that happened that one of the officers they -- he 11 tightened my handcuffs so hard and my wrist was 12 hurting. I was telling him my hand hurts. He 13 said, well, they're not designed to be 14 comfortable. They were designed to not be 15 comfortable. And I say, yes, but not for me. I 16 didn't do nothing. He says we'll see about that 17 in a minute. 18 And then, of course, after 30 minutes 19 holding me in handcuffs, they check everything, 20 they went through all my pockets, whatever, my 21 I.D.s and check everything, and they took me to do 22 the fingerprints. And then they took me in one</p>	<p style="text-align: right;">Page 69</p> <p>1 MS. ROTH: It's a big van. 2 THE WITNESS: Yes. 3 BY MS. ROTH: 4 Q Do you remember what time of day it was? 5 A I want to say some time around maybe 2:00 6 or 3:00. 7 Q When it started? 8 A Yes, when I arrived. 9 Q And on this trip -- so this was, you 10 think, January of 2013, and you think it was for a 11 wedding in Canada. Did you have any problems 12 leaving the United States and going into Canada? 13 A No. 14 Q Do you recall when you were released at 15 the border, did you fill out another form like you 16 described earlier? 17 A I'm not sure, but I think -- I think I 18 just gave up on those letters because they didn't 19 do nothing for me. I'm not sure if I did, but I 20 know how I feel now. I just never bothered with 21 that anymore, but I don't think I did. 22 Q Okay. We're going to move on to the next</p>

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<p style="text-align: right;">Page 78</p> <p>1 cannot travel right now.</p> <p>2 Q And when it became clear that the flight</p> <p>3 had left and you had missed it, I think you had</p> <p>4 said that the airline rebooked you for the next</p> <p>5 day. Did they also give you accommodations for</p> <p>6 overnight to stay?</p> <p>7 A No. No. I called my brother because he</p> <p>8 lives in -- not too from there. He picked us up</p> <p>9 and we went over to his house to sleep over.</p> <p>10 Q Okay. Okay. And then could you just say</p> <p>11 what the purpose of this trip to Montenegro was?</p> <p>12 Was it to visit family and --</p> <p>13 A Yeah. My wife has everybody there. She</p> <p>14 has nobody here. So she likes to go often. But</p> <p>15 we don't really go often because it's -- we can't</p> <p>16 afford it. It's a big family. So that was one of</p> <p>17 the -- I believe prior to that, I didn't travel in</p> <p>18 four or five years to travel to Montenegro. So we</p> <p>19 kind of save money for five years just to have a</p> <p>20 nice trip. But when you go through these</p> <p>21 problems, you don't really have a nice trip.</p> <p>22 Q Okay. So I think you were going to tell</p>	<p style="text-align: right;">Page 80</p> <p>1 said somebody was waiting for you when you got off</p> <p>2 the plane.</p> <p>3 A No. When you come to give the passport,</p> <p>4 the lady stand and said go see the officer there,</p> <p>5 whatever it was on the side, and then they took us</p> <p>6 in one small -- not even a room. It was more like</p> <p>7 a counter. They asked us a few questions, and</p> <p>8 they let us go.</p> <p>9 Q And that was your whole family with you?</p> <p>10 A Yes.</p> <p>11 Q Toronto was your final destination,</p> <p>12 right, on that trip, by air?</p> <p>13 A Yes.</p> <p>14 Q So is it fair to say that no real issues</p> <p>15 on that return trip by air, other than in Toronto</p> <p>16 they pulled you aside to ask you a few questions</p> <p>17 but then they let you go?</p> <p>18 A Yes.</p> <p>19 Q Okay. Okay. Let's look back at the</p> <p>20 complaint, Exhibit A. It's all the way at the</p> <p>21 beginning of the binder.</p> <p>22 On Page 53, the bottom paragraph, which</p>
<p style="text-align: right;">Page 79</p> <p>1 me about the return trip in August. So please go</p> <p>2 ahead and tell me about the return trip.</p> <p>3 A When I returned to Canada, they also had</p> <p>4 an email from U.S. government. And they kind of</p> <p>5 escort me in the room, and they said to me what is</p> <p>6 the government -- what does the government have</p> <p>7 problem with you, or what kind of problems does</p> <p>8 the government have with you, and I say I don't</p> <p>9 know. They said, they don't tell you. I said,</p> <p>10 they don't tell me. I ask them, they never tell</p> <p>11 me nothing. I don't know what's going on. They</p> <p>12 says that's funny because we would say to our</p> <p>13 citizens if we have -- what kind of issue we have</p> <p>14 with the guy, what did he do. So he says</p> <p>15 you're -- you [sic] have nothing to do with you.</p> <p>16 We have -- you're clear here. We just want to ask</p> <p>17 you a few questions because they sent us an email.</p> <p>18 And we left.</p> <p>19 Q Did you have any problems boarding the</p> <p>20 flight from Montenegro to Toronto?</p> <p>21 A No.</p> <p>22 Q So when you landed in Toronto, you just</p>	<p style="text-align: right;">Page 81</p> <p>1 is Paragraph 333, can you look this over and tell</p> <p>2 me whether or not this describes what happened to</p> <p>3 you when you crossed back into the United States</p> <p>4 from Toronto after flying home from Montenegro?</p> <p>5 A I'm sorry. What did you ask me? Just to</p> <p>6 look at it.</p> <p>7 Q Yeah. Look at it and tell me if you</p> <p>8 think -- because it's -- so it's talking about</p> <p>9 August 2014 --</p> <p>10 A Yes.</p> <p>11 Q -- which is the same -- same month and</p> <p>12 year that you returned from Montenegro to Toronto.</p> <p>13 So I want to know if you agree with me that this</p> <p>14 paragraph is describing your border crossing back</p> <p>15 from Toronto into the United States from that same</p> <p>16 trip?</p> <p>17 A Yes.</p> <p>18 Q Okay. Do you recall that border</p> <p>19 crossing?</p> <p>20 A Yes.</p> <p>21 Q Can you describe that for me?</p> <p>22 A Again, it's similar situation. When we</p>

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<p style="text-align: right;">Page 82</p> <p>1 pulled -- the border there, they -- I told the 2 officer, I said, listen, I always have problems 3 coming into the country. I don't know why. 4 Please try not to panic. You know, I have my kids 5 here. And the guy said, you know what? I'll do 6 your passport last because I'm sure when I swipe 7 your passport, then all the officers run, rush to 8 the car, and that's what they always do. So I 9 said, okay. So he did everybody's passport, and 10 he did mine in the end. 11 And, of course, as soon as he did -- as 12 soon as he swiped my passport, they all started 13 running towards me. And the same thing again, 14 handcuffed me, guns all over, surrounded the car, 15 take me inside. Again, same thing, pat me down, 16 interrogate me. They asked so much about 17 religious questions. I don't even know half of 18 them what they mean. And fingerprint -- again, 19 they took my fingerprint. 20 This time something was going on in 21 Michigan, I think, some car race or something, so 22 it was so busy. This time I spent six hours</p>	<p style="text-align: right;">Page 84</p> <p>1 they give you and the rudeness -- beginning they 2 are so rude, and later on, they try to play nice 3 guys. It's very hard. Sometimes if I -- like, 4 the next day I want to travel, I can't sleep half 5 of the night thinking about it; when I come to the 6 border, what's going to happen to me. 7 And after that, they -- when they let 8 us -- when they're about to let us go, they talk 9 to me like a human being, nice. Here's the 10 passport. Have a good day. Like nothing 11 happened. I don't know. It doesn't make any 12 sense. 13 And I asked one of the border guys there, 14 whatever officers, I said, if I'm about to cross 15 the United States border, and I just make a 16 U-turn, come back, would I go through this again. 17 He says, yes. I don't know why. It doesn't make 18 no sense. I'm the same person always ten minutes 19 ago. I don't know. 20 Just makes my life so miserable to a 21 point that I'm actually thinking of leaving the 22 country. And since then, I never want to travel</p>
<p style="text-align: right;">Page 83</p> <p>1 there. So I tell them why so long, and he tell me 2 something going on that day in Michigan, some kind 3 of car race or something. I don't know. So they 4 were very busy. But they were trying to be more 5 nice with the kids. They tried to -- because it's 6 so long, some of the kinds started, you know, 7 crying and nagging, and they offered them like 8 snacks and coloring books so they could color. 9 They were trying to entertain the kids. 10 But I was being tortured on the other 11 side in the office. I don't even know what -- I 12 don't even remember how many -- all the questions 13 that they asked me. So much they focus on 14 religious stuff and where do I go, who do I hang 15 out with, from which scholar do I listen, like on 16 the YouTube or whatever, things like that. It 17 wasn't -- I guess it's -- becomes like a routine 18 thing for us. You get to use it. 19 Of course every time I come to the 20 border, I get so -- I get an anxiety attack, and 21 my heart start -- and things -- I don't know why. 22 I'm not guilty of it. It's just the treatment</p>	<p style="text-align: right;">Page 85</p> <p>1 anywhere else. I don't take a plane. I only 2 drive. I drove here, nine hours just to come see 3 you guys. I don't want to -- when I go in the 4 airport, I get anxiety attack. I get nervous. I 5 get just -- I don't know. 6 Q The trip when you landed in Toronto with 7 you family, did you drive directly to the border 8 or did you spend time in Toronto? 9 A I spent two days there because one of the 10 suitcase didn't come. So we waited for the 11 suitcase. We stayed at my brother's house. Two 12 days later we drove to Michigan. 13 Q So this would have been -- if you 14 returned to Toronto on the 13th of August, this 15 would have been maybe around the 15th of August or 16 16th of August? 17 A Yes. Correct. 18 Q And I just want to be clear, the missing 19 suitcase, does that have anything to do with your 20 allegations with your travel problems or is 21 that -- 22 A No. No. It was just -- I don't know. I</p>

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<p style="text-align: right;">Page 86</p> <p>1 guess the airlines just lost it --</p> <p>2 Q Okay.</p> <p>3 A -- and they brought it to us later on.</p> <p>4 Q I just -- I wanted to make sure.</p> <p>5 A No.</p> <p>6 Q So if we look back at your list of trips,</p> <p>7 Exhibit B, Page 47, the very bottom paragraph, 18,</p> <p>8 "In July 2014, plaintiff entered United States</p> <p>9 from Canada by car."</p> <p>10 Now, from what we've discussed and other</p> <p>11 documents we looked at, you would have been in</p> <p>12 Montenegro between June and August. So I just</p> <p>13 want to -- if this is a mistake, which is --</p> <p>14 obviously happens all the time -- I just want to</p> <p>15 make sure that we all agree that July may not be</p> <p>16 the right month, but it might mean August.</p> <p>17 A Yes.</p> <p>18 Q Is that right?</p> <p>19 A Right. Correct.</p> <p>20 Q Okay.</p> <p>21 A This is a mistake.</p> <p>22 Q Okay. That's no problem. I just want to</p>	<p style="text-align: right;">Page 88</p> <p>1 A Yes.</p> <p>2 Q Do you recall what prompted you to</p> <p>3 receive this letter?</p> <p>4 A I'm not sure. I'm surprised if I did --</p> <p>5 if I fill out something right after my trip, they</p> <p>6 usually don't respond about a month or two. So I</p> <p>7 don't know why this -- unless it was something</p> <p>8 different that I fill out again, and they just</p> <p>9 responded fast. I don't know. I don't know. I</p> <p>10 don't remember really this, but I might have</p> <p>11 filled out something again. Maybe they encouraged</p> <p>12 me to. I don't know. This I don't remember at</p> <p>13 all.</p> <p>14 Q Okay. That's fine. If anything</p> <p>15 refreshes your memory later on, please make sure</p> <p>16 to tell your attorney, and we can -- you can</p> <p>17 supplement the information about this.</p> <p>18 A Okay.</p> <p>19 Q It does look to me that it's a week or</p> <p>20 two after the trip we were just talking about --</p> <p>21 A Right.</p> <p>22 Q -- and so I wanted to ask about it.</p>
<p style="text-align: right;">Page 87</p> <p>1 clear it for the record.</p> <p>2 So after -- back to August of 2014,</p> <p>3 you've returned from your trip to Montenegro with</p> <p>4 your whole family, you're held at the border</p> <p>5 again, I think you said for about six hours. Do</p> <p>6 you recall filling out any redress forms on that</p> <p>7 occasion?</p> <p>8 A No. But I did show them this -- one of</p> <p>9 these letters -- I just remember now that you</p> <p>10 remind me -- to the guys when they stopped me.</p> <p>11 But other than -- they don't look at that. They</p> <p>12 don't care for that.</p> <p>13 Q Okay. If you could turn to Tab J, as in</p> <p>14 Jack. This is --</p> <p>15 MS. ROTH: I'd like to introduce this as</p> <p>16 Exhibit J.</p> <p>17 (Defendants' Exhibit J, DHS letter, was</p> <p>18 marked for identification.)</p> <p>19 BY MS. ROTH:</p> <p>20 Q And this is a letter on DHS letterhead</p> <p>21 addressed to you and dated August 27, 2014; is</p> <p>22 that right?</p>	<p style="text-align: right;">Page 89</p> <p>1 A It's possible. But, like I say, they</p> <p>2 don't respond that fast, so I'm surprised, but it</p> <p>3 might have been. It might have been.</p> <p>4 Q Okay. And now I want you to look again</p> <p>5 at -- we're going to compare two documents because</p> <p>6 I think they might be the same, and so I just want</p> <p>7 to make sure we're looking at -- we agree Tab H,</p> <p>8 as in Harry -- that way -- and then compare that</p> <p>9 with M, as in Matthew.</p> <p>10 A Yeah. They look the same to me.</p> <p>11 Q Okay. So the document behind Tab M has a</p> <p>12 second side to it with a few more paragraphs and a</p> <p>13 signature. For that reason, it looks to me like</p> <p>14 the complete version. Do you agree?</p> <p>15 A Yes.</p> <p>16 MS. ROTH: I'd like to introduce this as</p> <p>17 Exhibit M.</p> <p>18 (Defendants' Exhibit M, DHS letter, was</p> <p>19 marked for identification.)</p> <p>20 BY MS. ROTH:</p> <p>21 Q And this is another letter addressed to</p> <p>22 you on DHS letterhead dated October 31, 2014. Do</p>

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<p style="text-align: right;">Page 90</p> <p>1 you recall receiving this letter?</p> <p>2 A Yes. This is -- this is probably what I</p> <p>3 would -- then after the trip -- because this makes</p> <p>4 more sense, October. So I came back, let's say,</p> <p>5 in August, yeah. Probably, yes.</p> <p>6 Q So you think you did probably fill out a</p> <p>7 redress form after the August 2014 incident?</p> <p>8 A Yes. Because I remember the people in</p> <p>9 the airline, they told me if you get this redress</p> <p>10 control number, when you travel, you show that to</p> <p>11 us, you will have no problem. But really it</p> <p>12 doesn't -- I don't know if it worked because I</p> <p>13 didn't try it.</p> <p>14 Q Okay. Let's look at two more documents</p> <p>15 we're going to compare again. So let's -- Tab L,</p> <p>16 as in Larry, and P, as in Paul. Again, both of</p> <p>17 them appear to contain four pages -- and if you</p> <p>18 look at the bottom, it says 2 of 4, 1 of 4, so</p> <p>19 they're out of order. But if you could just</p> <p>20 compare them and let me know if they look to you</p> <p>21 like they're the same documents.</p> <p>22 A Okay. This is the form that you fill</p>	<p style="text-align: right;">Page 92</p> <p>1 Q Okay. Do you recall filling this form</p> <p>2 out?</p> <p>3 A Yes.</p> <p>4 Q And do you recall what prompted you to</p> <p>5 fill out the form?</p> <p>6 A One of the travel -- whenever I traveled,</p> <p>7 usually on the border in the car, whenever I had</p> <p>8 problems, they told me to fill out, and that's</p> <p>9 what I always did. So looks like some forms are a</p> <p>10 little bit different than the others. I don't</p> <p>11 know about.</p> <p>12 Q So if you look at Page -- the first page</p> <p>13 of this exhibit, which actually says 2 of 4 at the</p> <p>14 bottom. At the top, it says date of entry into</p> <p>15 United States, and I believe that says 6/13/2015.</p> <p>16 Does that look right?</p> <p>17 A Where do you see that? At the top?</p> <p>18 Q Yeah, at the very -- yeah, date of entry</p> <p>19 into U.S.</p> <p>20 A No, that says 05/13/2015.</p> <p>21 Q Okay. So May 13, 2015?</p> <p>22 A Yes.</p>
<p style="text-align: right;">Page 91</p> <p>1 out, so you get this letter back from them. So</p> <p>2 this is the form that you asked me, and I didn't</p> <p>3 know what to tell you -- so it looks like I had</p> <p>4 one of the forms in my copy.</p> <p>5 Q Okay. And, actually, it now looks to me</p> <p>6 like there's different documents because they are</p> <p>7 dated on different dates. So why don't we just</p> <p>8 look at L.</p> <p>9 MS. ROTH: And I'd like to introduce this</p> <p>10 as Exhibit L.</p> <p>11 (Defendants' Exhibit L, Traveler inquiry</p> <p>12 form, was marked for identification.)</p> <p>13 BY MS. ROTH:</p> <p>14 Q And on Page -- what it says on the bottom</p> <p>15 3 of 4, there's a paragraph that says</p> <p>16 acknowledgment with a date and the name and the</p> <p>17 signature.</p> <p>18 Do you see that?</p> <p>19 A Yes.</p> <p>20 Q And the date looks to me like it's</p> <p>21 November 23, 2015; is that right?</p> <p>22 A Yes.</p>	<p style="text-align: right;">Page 93</p> <p>1 Q So would you have filled this out</p> <p>2 after -- after coming back into the U.S. in May of</p> <p>3 2015?</p> <p>4 A Yes. And I remember this trip. I went</p> <p>5 by myself.</p> <p>6 Q Okay. So tell me about this trip.</p> <p>7 A This trip -- it was a little bit nicer in</p> <p>8 a way. When I came to the border, I just said,</p> <p>9 you know what, let me ask this guy. I said,</p> <p>10 listen, man, I'm not a bad person. I'm not a bad</p> <p>11 guy. I didn't do nothing. Can you don't handcuff</p> <p>12 me, please? I know you're going to take me in. I</p> <p>13 have problems coming in. Can you please don't</p> <p>14 handcuff me? I don't feel nice. I don't feel</p> <p>15 good. Everybody watch you like you did something.</p> <p>16 He said, okay, no problem. And he just had guys</p> <p>17 come and -- two guys hold me by the side, and they</p> <p>18 escorted me. Over there, then they handcuffed me.</p> <p>19 So that's why I call it a little bit</p> <p>20 nicer. But everything else went the same process,</p> <p>21 and pat you down and ask you all kind of questions</p> <p>22 and, again, fingerprints. Wait. Always is never</p>

Exhibit H

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ANAS ELHADY, et al,
Plaintiff,

v.

Civil Action No.:

CHARLES H. KABLE, et al, 1:16-cv-375 (AJT/JFA)
Defendant.

Washington, DC

Thursday, January 18, 2018

Deposition of:

AUSAMA ELHUZAYEL

called for oral examination by counsel for Plaintiff,
pursuant to notice, at Department of Justice, 20
Massachusetts Ave., NW., Washington, DC, before Natalia
Thomas, a Notary Public in and for the District of
Columbia, beginning at 12:54 p.m., when were present on
behalf of the respective parties:

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5 Federal Building	5 DEPOSITION EXHIBITS
6 310 New Bern Ave., Ste. 800	6 EXHIBIT DESCRIPTION PAGE
7 Raleigh, NC 27601	7 EXHIBIT A Amended complaint, Document 22. 13
8 Amy.powell@usdoj.gov	8 EXHIBIT B Defendant's first set of
9 (919) 856-4013	9 interrogatories to plaintiff. 17
10 On behalf of Defendant:	10 EXHIBIT C Plaintiff's responses to defendant's
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12 Council on American-Islamic Relations (CAIR)	12 EXHIBIT D Plaintiff's amended response to
13 453 New Jersey Ave., SE	13 first set of discovery requests
14 Washington, DC 20003	14 dated 12/21/17. 25
15 imasri@cair.com	15 EXHIBIT E Plaintiff's amended and supplemental
16 (202) 742-6420	16 responses to defendant's first set of
17 On behalf of Government	17 discovery requests dated 1/10/18. 36
18 JAYME KANTOR, FBI	18 EXHIBIT F Itinerary travel 2012, dated
19 935 Pennsylvania Ave., NW., Ste. 10140	19 9/8/12. 38
20 Washington, DC 20535	20 EXHIBIT G Defendant's first request for
21 (202) 324-7194	21 production of documents to
22 Jayme.kantor@ic.fbi.gov	22 plaintiffs. 42
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<p>1 PROCEEDINGS</p> <p>2 WHEREUPON,</p> <p>3 AUSAMA ELHUZAYEL</p> <p>4 called as a witness, and having been sworn by the</p> <p>5 notary public, was examined and testified as follows:</p> <p>6 EXAMINATION BY COUNSEL FOR PLAINTIFF</p> <p>7 BY MS. POWELL:</p> <p>8 Q Great. Please state your name for the record,</p> <p>9 please.</p> <p>10 A Ausama Elhuzayel.</p> <p>11 Q And could you spell it, please?</p> <p>12 A A-U-S-A-M-A, Elhuzayel, E-L-H-U-Z-A-Y-E-L.</p> <p>13 Q I'm sure your attorney has talked to you a</p> <p>14 little bit about the deposition today and what to</p> <p>15 expect. I'm going to go over that anyway and the</p> <p>16 format so that we both have the same expectation. Most</p> <p>17 importantly, the format here today is mostly that I am</p> <p>18 going to be asking questions. You're hopefully going</p> <p>19 to be answering them.</p> <p>20 A Hopefully, yeah.</p> <p>21 Q The court reporter is going to be taking down</p> <p>22 everything we say. Your attorney will make objections</p>	<p>1 what I mean, please ask me to clarify.</p> <p>2 A Sure.</p> <p>3 Q If you answer a question I will assume that</p> <p>4 you understood it. Does that make sense?</p> <p>5 A Yes.</p> <p>6 Q Is there any reason you cannot answer my</p> <p>7 questions truthfully and accurately today?</p> <p>8 A No.</p> <p>9 Q If you need to take a break, please let me</p> <p>10 know. I'll ask you to finish answering a question if</p> <p>11 there's a question pending. And otherwise, we can take</p> <p>12 a break anytime. You are not a prisoner here today.</p> <p>13 A I may bug you a lot for that just because I'm</p> <p>14 antsy and I might, you know, use the restroom or</p> <p>15 something.</p> <p>16 Q Sure. If you need to take a break, just let</p> <p>17 me know. Other than talking to your attorney, how did</p> <p>18 you prepare for the deposition today?</p> <p>19 A I really didn't. I don't how to prepare for</p> <p>20 it. I'm just here. Yeah, I didn't have any</p> <p>21 preparation whatsoever.</p> <p>22 Q In order to prepare for this deposition, did</p>
Page 7	Page 9
<p>1 from time to time. Unless she instructs you not to</p> <p>2 answer, you should answer. Even if she makes an</p> <p>3 objection you answer anyway unless she instructs you</p> <p>4 not to.</p> <p>5 A Okay.</p> <p>6 Q Do you understand?</p> <p>7 A Yes.</p> <p>8 Q The other thing to remember about this format</p> <p>9 is that because the court reporter is writing down</p> <p>10 everything that we say, it has to be something that can</p> <p>11 be written down. So if you give an answer, it has to</p> <p>12 be audible. A yes or a no; not shaking or nodding.</p> <p>13 A Sure, sure.</p> <p>14 Q And it also means that even though people in</p> <p>15 normal conversation talk over each other a little bit</p> <p>16 and cut each other off because each knows what the</p> <p>17 other is about to say, in this setting you need to let</p> <p>18 me finish a question even if you know what it is, and I</p> <p>19 need to let you finish your answer even if I know what</p> <p>20 it is. Does that make sense?</p> <p>21 A Yes.</p> <p>22 Q If I ask a question and it is unclear to you</p>	<p>1 you read any documents?</p> <p>2 A No.</p> <p>3 Q Did you talk to anyone other than your</p> <p>4 attorney?</p> <p>5 A Uh-uh.</p> <p>6 Q Say yes or no, please.</p> <p>7 A Oh, no, no. No.</p> <p>8 Q Other than the name you already stated and</p> <p>9 spelled for the record, have you gone by any other</p> <p>10 names?</p> <p>11 A No.</p> <p>12 Q Have you gone by any other spellings of your</p> <p>13 name?</p> <p>14 A No.</p> <p>15 Q Or -- what is your date of birth?</p> <p>16 A February 4, 1976.</p> <p>17 Q And where were you born?</p> <p>18 A Orange, California.</p> <p>19 Q Is that Orange County or --</p> <p>20 A No, no. It's a city, Orange, in California.</p> <p>21 Q Okay.</p> <p>22 A It is in Orange County, though.</p>

<p style="text-align: right;">Page 122</p> <p>1 your passport?</p> <p>2 A Yes.</p> <p>3 Q Talk about one thing you mentioned earlier,</p> <p>4 which was you said that there was DHS guy, your</p> <p>5 gentleman that you then ran into at the airport.</p> <p>6 A Okay. Well, where we are, where are we up to</p> <p>7 this? You said that I run into a DHS guy --</p> <p>8 Q You told me --</p> <p>9 A Yes, yes, yes.</p> <p>10 Q I, I am repeating what you told me, which was</p> <p>11 that there was a, someone who worked for DHS at your</p> <p>12 gym who you later saw at the airport screening --</p> <p>13 A Yeah, at the gym. Yeah, 24 Hour Fitness,</p> <p>14 yeah, absolutely.</p> <p>15 Q So what's the name of your gym?</p> <p>16 A 24 Hour Fitness on Chapman and Brookhurst in</p> <p>17 Garden Grove.</p> <p>18 Q And it, it, do you have a relationship with</p> <p>19 the gym or is it just where you work out?</p> <p>20 A It's where I work out, yeah. 24 Hour Fitness</p> <p>21 lets me go any time I want.</p> <p>22 Q Do you know this person's name?</p>	<p style="text-align: right;">Page 124</p> <p>1 they're doing this. Oh, we got to do that. He made me</p> <p>2 uncomfortable.</p> <p>3 Q So you talked to him at the gym?</p> <p>4 A Yeah. He made me uncomfortable.</p> <p>5 Q And he told you he was in the armed forces?</p> <p>6 A Yeah.</p> <p>7 Q And he made you uncomfortable?</p> <p>8 A Very uncomfortable.</p> <p>9 Q Because he was talking about ISIS?</p> <p>10 A Because he seemed to be trying to want to lead</p> <p>11 me into saying something that would maybe be bad for</p> <p>12 me. You understand? He wanted me to say something</p> <p>13 really badly.</p> <p>14 Q What did he look like?</p> <p>15 A He's a white guy. He's a short white guy.</p> <p>16 He, he looks like a pear. You know, he looks like a</p> <p>17 backwards pear. He's big up here and he's skinny and</p> <p>18 small down there. He's got little legs and a big</p> <p>19 stomach. And he's like he's, like he used to probably</p> <p>20 be buff, but he's just --</p> <p>21 Q How old is he?</p> <p>22 A Sixtyish. Fifty-five, sixty.</p>
<p style="text-align: right;">Page 123</p> <p>1 A I wish I did. I don't recall. I just</p> <p>2 remember that he said he, you know, he worked, he was</p> <p>3 in the army before and he was in all these things, you</p> <p>4 know. You know, and he was, he was a soldier and he</p> <p>5 worked in, something to do with just, just arms and he</p> <p>6 was somehow to do with the armed forces. That's what</p> <p>7 he told me. And then he liked to --</p> <p>8 Q And when did he tell you that?</p> <p>9 A When? When? This was before, prior to I took</p> <p>10 that trip that we were speaking about in 2016. For a</p> <p>11 whole year I, I actually saw that gentleman. It was</p> <p>12 funny, 'cause I go in the middle of the night. I like</p> <p>13 the middle of the night. Nobody's there. And he's</p> <p>14 always there. He would always be there. Not anymore,</p> <p>15 obviously, but at that time he was always there.</p> <p>16 And he would always ask me funny questions and</p> <p>17 bring -- he always wanted to bring up ISIS. It's</p> <p>18 always ISIS. Oh, they're going to, ISIS, running</p> <p>19 people over in the streets. ISIS, ISIS, like this</p> <p>20 guy's always trying to pull -- he wants me to say</p> <p>21 something, you know, all the time. ISIS, ISIS, this</p> <p>22 is, you know, oh, they're running people over. Oh,</p>	<p style="text-align: right;">Page 125</p> <p>1 Q What color is his hair?</p> <p>2 A Gray. A white guy.</p> <p>3 Q Okay.</p> <p>4 A Blue eyes.</p> <p>5 Q Okay.</p> <p>6 A If I see him, I can definitely -- that's his</p> <p>7 go around, that was funny. Who he is. I wish I had</p> <p>8 his name.</p> <p>9 Q Now we have talked about two international</p> <p>10 trips. Your 2012 to Israel and your 2017 trip to</p> <p>11 Dominica. And what you said was that back in 2012 you</p> <p>12 didn't have any problem.</p> <p>13 A Never had a problem.</p> <p>14 Q But in 2017 you were having trouble all the</p> <p>15 time?</p> <p>16 A 2016 it started. The first time they did not</p> <p>17 allow me to fly. That's where this case actually got</p> <p>18 initiated.</p> <p>19 Q All right. Just a second. So when was the</p> <p>20 first time you had trouble with security screening?</p> <p>21 A In 2016 when they said you cannot fly on this</p> <p>22 airplane today. You will not fly. You'll, you'll</p>

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<p style="text-align: right;">Page 126</p> <p>1 leave, and you'll leave as soon as possible. We don't</p> <p>2 want you on our, on, on the premises.</p> <p>3 Q Was that April 23, 2016?</p> <p>4 A Uh-huh.</p> <p>5 Q Okay. And tell me about the trip you planned</p> <p>6 to take.</p> <p>7 A It was the same place. I was going to</p> <p>8 Dominica.</p> <p>9 Q And what was the reason for the trip?</p> <p>10 A Same reason, family, wife.</p> <p>11 Q Any other reason?</p> <p>12 A That was the reason. That was the main reason</p> <p>13 and the only reason.</p> <p>14 MS. POWELL: Can we mark Exhibit K?</p> <p>15 (Plaintiff's Exhibit K is marked for identification.)</p> <p>16 Q And I'd like you if you can to identify this</p> <p>17 document for me. Just tell me what it is, if you know.</p> <p>18 A April 23, 2016. This is, this is the one</p> <p>19 where I was not allowed to fly.</p> <p>20 Q And this document is the itinerary for your</p> <p>21 flight to Dominica and your return flight that you</p> <p>22 obviously did not get to take?</p>	<p style="text-align: right;">Page 128</p> <p>1 Q Okay. And then what happened?</p> <p>2 A He asked me what my name was and I told him</p> <p>3 what my name was. And he told me I wasn't going</p> <p>4 anywhere.</p> <p>5 Q Okay. And what did you say?</p> <p>6 A Said that was horrible or something. I said,</p> <p>7 I said why, and he said I don't know anything. He</p> <p>8 doesn't know a thing. He doesn't know why he's doing</p> <p>9 what he's doing. He's just following orders. He gave</p> <p>10 me a telephone for the redress and that was your one</p> <p>11 stop, one shop, shot it. You have no other way to, to</p> <p>12 fix this except for through the redress process.</p> <p>13 Q So after he told you you weren't going</p> <p>14 anywhere, what happened then?</p> <p>15 A I left.</p> <p>16 Q Did you have you any other interaction with</p> <p>17 security?</p> <p>18 A No. I just left. Well, actually he had</p> <p>19 somebody backing him up that looked pretty</p> <p>20 intimidating, but he stayed, you know, he stayed pretty</p> <p>21 far back. They were looking at me funny like I was, I</p> <p>22 was a criminal or something. Had their guns ready to</p>
<p style="text-align: right;">Page 127</p> <p>1 A Correct.</p> <p>2 Q Okay. So your plan was to fly from LAX to San</p> <p>3 Juan, to Dominica; is that correct?</p> <p>4 A Yes.</p> <p>5 Q On April 23, 2016?</p> <p>6 A Yes.</p> <p>7 Q When you got to the airport on April 23, 2016</p> <p>8 at LAX, were you traveling alone?</p> <p>9 A I was alone, yes.</p> <p>10 Q And what happened when you got to the airport?</p> <p>11 A Well, the, the, the attendant was acting</p> <p>12 strange and then, you know --</p> <p>13 Q What attendant?</p> <p>14 A The person who took my, my passport and was</p> <p>15 going to check me in was like acting weird. And then -</p> <p>16 -</p> <p>17 Q Sorry. You went to the ticket counter?</p> <p>18 A Yes. Yes, they, you know --</p> <p>19 Q And the person that, the ticket agent was</p> <p>20 acting weird?</p> <p>21 A Yeah, it was like kind of awkward for a moment</p> <p>22 and then this guy came. An agent there came after...</p>	<p style="text-align: right;">Page 129</p> <p>1 go.</p> <p>2 Q So the guy you talked to, do you know who he</p> <p>3 worked for or --</p> <p>4 A TSA.</p> <p>5 Q What makes you -- how do you know he was TSA?</p> <p>6 A That's how he introduced himself.</p> <p>7 Q Okay. And you said you saw other security</p> <p>8 people. Do you know who they worked for?</p> <p>9 A TSA.</p> <p>10 Q How do you know?</p> <p>11 A Because they were wearing the uniforms.</p> <p>12 Q Did they say TSA on them?</p> <p>13 A Well, I mean they were armed and they were</p> <p>14 wearing a uniform. So that's what I do know. They</p> <p>15 were --</p> <p>16 Q But you don't know if they were TSA?</p> <p>17 A It was, it was part of that. I believe they</p> <p>18 were TSA. I believe they were TSA.</p> <p>19 Q Why do you believe they were TSA?</p> <p>20 A Because no, there's nobody else in the airport</p> <p>21 that dresses that way that I know of, that dresses the</p> <p>22 way they dress. They dress specifically in that blue</p>

<p style="text-align: right;">Page 130</p> <p>1 or that, that like badge or whatever they wear and 2 stuff. They have the same -- 3 Q But you didn't see anything that said TSA? 4 A He was back. I just saw -- all I saw was a 5 uniform, a person watching from, from behind. 6 Q Okay. 7 A That's all I really saw. 8 Q Okay. 9 A And I assumed and thought, I believed he was 10 with TSA and only ones that I see wear those types of 11 uniforms are the TSA. But I can't say for 100%. 12 Q So you didn't -- 13 A Because he was a little bit far back. He was 14 an armed person. 15 Q So the person who talked to you who told you 16 he was a TSA agent; do you happen to know his name? 17 A I wish. I can probably go back and try. No, 18 I was so mad -- I was upset at the time. I was really 19 upset and he wanted to give me his name and I told him 20 like what good will it do me. And I left. I didn't 21 take his name. I was upset. What's his name going to 22 do for me?</p>	<p style="text-align: right;">Page 132</p> <p>1 Q Okay. 2 A I remember it was a man. That's all -- 3 Q Right. Other than communications with your 4 attorney, did you write down that experience anywhere? 5 A I, I wrote it down because of my, of my 6 interaction with CAIR. 7 Q Okay. Other than what, because of your 8 interaction with CAIR. So other than anything you 9 wrote to CAIR, which I don't need to know about, did 10 you write it down anywhere? 11 A Not that I'm aware of. I can't recall. 12 Q Did you write a newspaper article? 13 A No, no, no. 14 Q Or a letter to the editor? 15 A Nothing. 16 Q A journal entry? 17 A Not at all. 18 Q A Facebook post? 19 A Not at all. Not at all. 20 Q Did you write an e-mail to a friend? 21 A No. It's not exactly one of those things 22 you're really proud of. You know what I mean? Like</p>
<p style="text-align: right;">Page 131</p> <p>1 Q Did anybody go with you as you left? 2 A Nobody. I was alone. 3 Q Okay. 4 A They basically escorted me to where, because 5 I, you know, you can park, self-parking, and then you, 6 those shuttles that come and pick you up and take you 7 back. So he escorted me to that point and made sure 8 that I, I boarded -- 9 Q So you got on the shuttle -- 10 A -- the shuttle. 11 Q -- but nobody like took you back to your car 12 or anything? 13 A No, no, no. Just made sure I left, I left the 14 premises. I was no longer allowed on their premises. 15 I wasn't welcome. 16 Q Okay. Did you know anybody at the airport 17 that day? 18 A No. 19 Q Do you know if anybody else overheard him say 20 you weren't going anywhere? 21 A The ticket agent, the one that was trying to 22 book me. That's the only one that would know.</p>	<p style="text-align: right;">Page 133</p> <p>1 you don't go out and tell everybody that you're a 2 possible terrorist. You know what I'm saying? Like 3 according to the people. 4 Q Did you -- 5 A I don't go out there, hey, guess what, 6 everybody. I known as a possible terrorist. You guys 7 want to know about my story? No, that's not something 8 I tell people. 9 Q Did you write an e-mail to a friend? 10 A No, no, nothing, zero. I haven't told anybody 11 anything except for those that needed to know. 12 Q Who did you tell about it other than your 13 attorney? 14 A My family. 15 Q Who in your family? 16 A Mother, father, brothers, sisters. Everyone 17 who'd obviously know. 18 Q Okay. 19 A Yeah. You know, because they knew I was 20 leaving. So obviously when I was returning back, they 21 would know. You know what I mean? 22 Q So when you told your parents about it, for</p>

Exhibit I

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Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ANAS ELHADY, et al.,

Plaintiff,

v.

Civil Action No.

CHARLES H. KABLE, et al.,

1:16-cv-375 (AJT/JFA)

Defendant.

Washington, D.C.

Tuesday, February 20, 2018

Deposition of:

OSAMA AHMED

called for oral examination by counsel for Defendants,
pursuant to notice, at United States Department of
Justice, 20 Massachusetts Avenue NW, Washington, DC,
before Natalia Thomas, a Notary Public in and for the
District of Columbia, beginning at 10:00 a.m., when
were present on behalf of the respective parties:

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Page 2	Page 4
<p>1 A P P E A R A N C E S</p> <p>2 On behalf of Plaintiffs:</p> <p>3 GADEIR I. ABBAS, ESQUIRE</p> <p>4 Council on American-Islamic Relations (CAIR)</p> <p>5 453 New Jersey Avenue SE</p> <p>6 Washington DC 20003</p> <p>7 gabbas@cair.com</p> <p>8 (202) 742-6420</p> <p>9</p> <p>10 On behalf of Defendants:</p> <p>11 CHRISTOPHER HEALY, ESQUIRE</p> <p>12 United States Department of Justice</p> <p>13 20 Massachusetts Avenue NW</p> <p>14 Washington DC 20001</p> <p>15 christopher.healy@usdoj.gov</p> <p>16 (202) 514-8095</p> <p>17</p> <p>18 Also Present:</p> <p>19 MELISSA PACHIKARA, ESQUIRE, FBI</p> <p>20 LILLIAN STEWART, ESQUIRE, FBI</p> <p>21 MARY BEUCHERT, ESQUIRE, FBI</p> <p>22 JENNIFER GREENBAND, ESQUIRE, TSA</p>	<p>1 P R O C E E D I N G S</p> <p>2 WHEREUPON,</p> <p>3 OSAMA AHMED</p> <p>4 called as a witness, and having been sworn by the</p> <p>5 notary public, was examined and testified as follows:</p> <p>6 MR. HEALY: Good morning. My name is</p> <p>7 Christopher Healy. I'm an attorney here at the</p> <p>8 Department of Justice. I'll be taking your deposition</p> <p>9 today. Do you understand you're under oath?</p> <p>10 THE WITNESS: Yes.</p> <p>11 MR. HEALY: So, everything that you say has to</p> <p>12 be the full and entire truth.</p> <p>13 THE WITNESS: Yes.</p> <p>14 MR. HEALY: I'd ask you just to make sure that</p> <p>15 as we go through the questions today you give audible</p> <p>16 answers, yeses and noes rather than just nodding your</p> <p>17 head or saying um-hum. Your attorney might object at</p> <p>18 certain points; that's fine. You can still answer the</p> <p>19 question unless he instructs you not to. Ask me if you</p> <p>20 need me to clarify any particular questions. If you</p> <p>21 answer a question, I'm going to understand that you</p> <p>22 understood the question, and if you didn't, feel free</p>
Page 3	Page 5
<p>1 C O N T E N T S</p> <p>2 WITNESS: OSAMA AHMED PAGE</p> <p>3 By Mr. Healy 7</p> <p>4 E X H I B I T S</p> <p>5 EXHIBIT DESCRIPTION PAGE</p> <p>6 EXHIBIT A Complaint 26</p> <p>7 EXHIBIT D Answers to Interrogatories 15</p> <p>8 EXHIBIT E Passport 12</p> <p>9 EXHIBIT F Boarding pass 39</p> <p>10 EXHIBIT G 2011 Travel inquiry form 75</p> <p>11</p> <p>12 (Exhibits attached to transcript.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 to interrupt me and ask me. Is there any reason you</p> <p>2 can't answer questions I ask you today truthfully and</p> <p>3 accurately?</p> <p>4 THE WITNESS: No.</p> <p>5 MR. HEALY: Okay. Have you taken any</p> <p>6 medications that might affect your memory or your</p> <p>7 ability to answer these questions truthfully?</p> <p>8 THE WITNESS: No.</p> <p>9 MR. HEALY: Have you consumed any alcohol in</p> <p>10 the last 48 hours?</p> <p>11 THE WITNESS: No.</p> <p>12 MR. HEALY: Have you consumed any illegal</p> <p>13 drugs in the last 48 hours?</p> <p>14 THE WITNESS: No.</p> <p>15 MR. HEALY: Okay. What did you do to prepare</p> <p>16 for today's deposition?</p> <p>17 MR. ABBAS: Objection; calls for attorney-</p> <p>18 client privileged information. I'm going to instruct</p> <p>19 the witness not to answer.</p> <p>20 MR. HEALY: Okay. With the exception of any</p> <p>21 privileged communications between you and your</p> <p>22 attorney, what did you do to prepare for this</p>

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<p style="text-align: right;">Page 22</p> <p>1 Q Okay. Was there -- do you recall if there was 2 a connection flight? 3 A I don't -- I don't remember. 4 Q Okay. If you go to paragraph 2, it says in 5 February or March of 2010 that you entered Detroit on a 6 flight from Yemen. That's the same trip? 7 A Yes. 8 Q Okay. So, that was your return flight from 9 Yemen on that trip? 10 A Yes. 11 Q Could you describe to me what, if anything, 12 happened when you got to the airport in Yemen? 13 A In Yemen? 14 Q Yeah, in Yemen. 15 A I don't remember anything specifically 16 happening. 17 Q Okay. And did you have a connection flight 18 through some other city? 19 A On the way back? 20 Q Yeah. 21 A Through Frankfurt, -- 22 Q Through Frankfurt?</p>	<p style="text-align: right;">Page 24</p> <p>1 your belongings, did they do anything else? 2 A Um, no. 3 Q Okay. So, it was just a physical search? 4 A Yeah. 5 Q Okay. And were there any issues once you got 6 on the plane during the flight? 7 A No. 8 Q And how about when you landed? Did you land 9 in Detroit or was there another connection? 10 A I landed in Detroit. 11 Q Okay. And what happened when you got to 12 Detroit? 13 A I was randomly selected for secondary 14 screening, as was every other Arab coming off that 15 flight. In secondary screening I was asked about what 16 sect of Islam I followed, what imams I followed, what 17 mosques I went to. They asked where I lived. They 18 asked me political questions, on what's going down in 19 Yemen. They asked if I was affiliated to different 20 organizations. I was there for about six to seven 21 hours. They went through all my belongings. I wasn't 22 allowed to use the phone to allow my family that was</p>
<p style="text-align: right;">Page 23</p> <p>1 A Germany. 2 Q Okay. Did anything in particular happen in 3 Frankfurt? 4 A Yeah, I was screened on my way to the plane 5 three times. The third time I almost missed my flight, 6 and then they allowed me to go onto the flight. 7 Q So, just to help me understand sort of what 8 happened, you got off the plane from Yemen in 9 Frankfurt. Was it immediately after you got off the 10 plane that you were screened or -- 11 A No. When I was going to the departing gate. 12 Q Okay. So, it was when you reached the 13 departure gate? 14 A Yeah. So, they have maybe five, six gates, 15 and then there's a security check to go through to 16 those gates. 17 Q Right. 18 A I was screened at that check and then after I 19 passed the check, I was screened again, and then I was 20 held to the side until the plane was about to leave and 21 then I was allowed to get on the plane. 22 Q Okay. And besides searching your person and</p>	<p style="text-align: right;">Page 25</p> <p>1 waiting outside to know where I was until about six 2 hours after I was there. 3 While I was there I was questioned or 4 interrogated by multiple officers. I was taken into a 5 room. It was very stressful. They insisted that I was 6 involved with different organizations. They stated, 7 "Help us find the big fish," they kept telling me. 8 Q Was this -- oh, I'm sorry, go ahead. 9 A When I wanted to go to the restroom, they 10 frisked me. When I asked to pray, they allowed me to 11 pray in a corner. That's mostly what happened. 12 Q Was this immediately after you disembarked 13 from the plane or was this as you -- did this start 14 when you were going through customs? 15 A Through customs. 16 Q Okay. It notes here in paragraph 2 that your 17 USB card was confiscated and not returned. What was 18 that? That was just a -- 19 A Just pictures were on my USB of my trip. 20 Q So, did you ever get that back? 21 A I got it back. I was paid a visit to my house 22 by an FBI officer, as it says. His name was Joel</p>

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<p style="text-align: right;">Page 26</p> <p>1 Kelso. I don't remember his partner's name. They came 2 to my house and they gave it to me, and then they 3 proceeded to try to recruit me to be an informant for 4 them. They took me out to eat. 5 Q Just to help you refresh your memory, there is 6 more information, I believe, about this in the original 7 complaint, which I have in tab A, if you'd like to look 8 it over, to make sure that everybody is looking at the 9 same place, if you want to hear information about this. 10 If you look at the first page. 11 (OSAMA AHMED Exhibit A was marked for 12 identification.) 13 So, if you look at the first page just to sort 14 of make sure that we understand where we are in this 15 document. Do you recognize this document? 16 A Yes. 17 Q Okay. Do you see the list of names on the 18 left? Do you recognize your name? 19 A Yes. 20 Q Do you recognize any of the other people on 21 this list? 22 A No.</p>	<p style="text-align: right;">Page 28</p> <p>1 into video games and such, so they told me that they'll 2 teach me how to skydive and I'll be able to shoot cool 3 guns, amongst other things. 4 Q I don't mean to interrupt you but the -- 5 A Go ahead. 6 Q When did this happen compared to the 7 experience that you had getting off the plane in 8 Detroit? Like, how long was that? Was this like a 9 couple days later, a couple weeks later? 10 MR. ABBAS: Objection, vague. Objection, 11 compound. You can answer if you understand the 12 question. 13 A I don't remember. 14 Q Okay. Was it more or less than a month later, 15 if you recall? 16 A I believe it was less than two months. 17 Q Less than two months, okay. 18 A Yeah. 19 Q So, just start, if you can, chronologically, 20 is there anything else that happened to you in the 21 airport when you were detained and questioned that 22 you'd like to include in your testimony?</p>
<p style="text-align: right;">Page 27</p> <p>1 Q Okay. Have you ever spoken with any of these 2 people on this list? 3 A No. 4 Q Okay. So, if you turn to page -- I have it 5 written down -- paragraph 201 on page 37. I believe 6 that's the part that has your testimony. Okay. If you 7 would just take a look at that. It looks like the 8 section that documents the experience you were talking 9 about before ends at paragraph 210; is that right? 10 A Yes. 11 Q All right. So, if you could just tell me a 12 little bit more about what happened, your experience 13 with Agent Kelso and other allegations? 14 A So, after they gave me back the USB drive, 15 they told me I was on a no-fly list. And I asked him 16 will that affect my employment in the airport which I 17 was applying for? They said possibly, and they told me 18 that if I cooperate with them, they can get me off the 19 list. 20 After that, then they took me out to eat and 21 they tried enticing me to become an informant for them. 22 From talking to me the first time they knew that I was</p>	<p style="text-align: right;">Page 29</p> <p>1 A No. 2 Q Okay. And when this -- you had this 3 experience afterward, less than two months later, these 4 folks who you interacted with, is there anything else 5 that happened that you'd like to share? 6 A Yes. So, they told me that they were going to 7 get me off the no-fly list, which they didn't. So, 8 then I found out about CAIR, and my attorney at CAIR -- 9 MR. ABBAS: Objection. I'm going to instruct 10 the witness not to provide any attorney-client 11 privileged communications. 12 Q So, did you agree to work with them? How did 13 the -- what was the result of the conversation you had 14 with them? 15 MR. ABBAS: Objection as to -- objection vague 16 as to them. You can answer if you understand what he's 17 talking about. 18 A The FBI agents? 19 Q Yes. 20 A No, I did not work with them. 21 Q All right. So, you said they -- you didn't 22 agree to work with them and they said goodbye and they</p>

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Page 30	Page 32
<p>1 left?</p> <p>2 A No, they kept coming back and I instructed</p> <p>3 them they can speak to my lawyer.</p> <p>4 Q Okay. So, how many times did they come back?</p> <p>5 A Two or three times.</p> <p>6 Q Okay. Was that within a month, longer than a</p> <p>7 month?</p> <p>8 A I don't remember.</p> <p>9 Q Was it always the same people?</p> <p>10 A It was always Joel and someone. I'm not sure</p> <p>11 if it was the same guy that was with him.</p> <p>12 Q Was it always two people?</p> <p>13 A Yes.</p> <p>14 Q Never more than two people?</p> <p>15 A No.</p> <p>16 Q Okay. You said they showed up how many more</p> <p>17 times?</p> <p>18 A Two or three times.</p> <p>19 Q Two or three times? After those two or three</p> <p>20 times, did you have any other interactions with Mr.</p> <p>21 Kelso or anyone else from the FBI?</p> <p>22 A Yes. Last year, um, I don't remember when,</p>	<p>1 In paragraph 3 it says that in 2014 you traveled from</p> <p>2 Detroit to Yemen; is that correct?</p> <p>3 A Yes.</p> <p>4 Q Okay. And what happened on that -- what was</p> <p>5 the -- strike that. What was the purpose of that trip?</p> <p>6 A I went to get married.</p> <p>7 Q You went to get married?</p> <p>8 A Yes.</p> <p>9 Q And who did you travel with?</p> <p>10 A My mother and father and my little brother.</p> <p>11 Q And when you arrived at the airport, what</p> <p>12 happened?</p> <p>13 A I don't recall what happened when I got there.</p> <p>14 I do recall receiving the -- after checking in, the</p> <p>15 boarding pass having the four S's on it, and when going</p> <p>16 through TSA screening, I was screened on my own by</p> <p>17 multiple officers.</p> <p>18 Q So, this wasn't along with your other family</p> <p>19 members, this was just you?</p> <p>20 A No, it was just me.</p> <p>21 Q Okay. About how long did that take before --</p> <p>22 from the time you got to the airport till the time you</p>
Page 31	Page 33
<p>1 two FBI agents came to my door and they asked me --</p> <p>2 they introduced themselves. I told them they could</p> <p>3 talk to my lawyer. They told me if I don't cooperate</p> <p>4 with them that they will not allow my wife or my</p> <p>5 brother's wife to enter the country. And I told them,</p> <p>6 again, you can speak to my lawyer, and they walked</p> <p>7 away.</p> <p>8 Q And that was the last time you --</p> <p>9 A Yes.</p> <p>10 Q -- saw Mr. Kelso?</p> <p>11 A That wasn't Mr. Kelso.</p> <p>12 Q Okay.</p> <p>13 A That was different FBI agents.</p> <p>14 Q Two different agents?</p> <p>15 A Yes.</p> <p>16 Q Okay. Do you remember either of their names?</p> <p>17 A No.</p> <p>18 Q And that was the last time you had any</p> <p>19 interactions with FBI agents?</p> <p>20 A I believe so.</p> <p>21 Q Okay. Thank you. If you could flip back to</p> <p>22 tab D, we'll continue going through the travel, page 6.</p>	<p>1 got to the gate?</p> <p>2 A I don't remember.</p> <p>3 Q Was it more or less than an hour?</p> <p>4 A I don't remember.</p> <p>5 Q Is it more or less than two hours, do you</p> <p>6 remember?</p> <p>7 A Less than two hours.</p> <p>8 Q Less than two hours. A question I realize I</p> <p>9 didn't ask from previous flights. Did you miss any of</p> <p>10 the other flights that we talked about previously?</p> <p>11 A That we --</p> <p>12 Q That we've already spoken about?</p> <p>13 A No.</p> <p>14 Q No, okay, thank you. Did you miss a flight</p> <p>15 out of Detroit in 2014?</p> <p>16 A No.</p> <p>17 Q No? It says that when you got to the gate</p> <p>18 your name was called on the loud speaker and you were</p> <p>19 questioned by customs agents; is that correct?</p> <p>20 A Yes.</p> <p>21 Q And what exactly happened?</p> <p>22 A I was pulled into the jet bridge after my name</p>

Exhibit J

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 Alexandria Division
4
5

6 ANAS ELHADY, et al,

7 Plaintiffs, Civil Action No.

8 vs. 1:16-cv-375

9 CHARLES H. KABLE, et al, (AJT) (JFA)

10 Defendants.
11
12

13 Deposition of Zuhair El-Shwehdi

14 Washington, D.C.

15 Wednesday, November 29, 2017

16 10:00 a.m.

17 Reported by: Laurie Donovan, RPR, CRR, CSR
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Elhady vs. Kable

<p style="text-align: right;">Page 2</p> <p>1 Deposition of 2 ZUHAIR EL-SHWEHDI 3 4 Held at the offices of: 5 U.S. Department of Justice 6 20 Massachusetts Avenue, N.W. 7 Washington, D.C. 20001 8 (202)514-2395 9 10 11 12 13 14 15 16 17 18 Taken pursuant to notice, before 19 Laurie Donovan, Registered Professional 20 Reporter, Certified Realtime Reporter, and 21 Notary public in and for the District of 22 Columbia. 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 EXAMINATION INDEX 2 PAGE 3 EXAMINATION BY MS. POWELL 8 4 5 6 7 8 9 E X H I B I T S 10 EXHIBIT DESCRIPTION PAGE 11 Exhibit A Plaintiffs' Complaint 11 12 Exhibit B Plaintiffs' Responses to 13 Defendants' First Set of Discovery 14 Requests to Plaintiff 12 15 Exhibit C Copy of El-Shwehdi's passport . . 25 16 Exhibit D Defendants' First Requests for 17 Production of Documents to 18 Plaintiffs 29 19 Exhibit E Plane ticket from Dayton, Ohio 20 to Doha, Qatar, April 3, 2011, 21 Bates Shwehdi-000007 60 22 Exhibit F Plane ticket from Doha, Qatar 23 to Dayton, Ohio, May 7, 2011, 24 Bates Shwehdi-000008 63 25</p>
<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S 2 ON BEHALF OF THE PLAINTIFFS: 3 Council on American-Islamic Relations 4 453 New Jersey Avenue, S.E. 5 Washington, D.C. 20003 6 (202)742-6420 7 By: Gadeir I. Abbas, Esq. 8 gabbas@cair.com 9 ON BEHALF OF THE DEFENDANTS: 10 Department of Justice, Civil Division 11 310 New Bern Avenue 12 Suite 800 13 Raleigh, North Carolina 27601 14 (919)856-4013 15 By: Amy E. Powell, Esq. 16 amy.powell@usdoj.gov 17 Antonia Konkoly, Esq. 18 antonia.konkoly@usdoj.gov 19 Jayme Kantor, Esq. 20 jayme.kantor@usdoj.gov 21 ALSO PRESENT: 22 Lauren Wetzler, U.S. Attorney 23 Jennifer Greenband, counsel for TSA 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 (Exhibits continued) 2 EXHIBIT DESCRIPTION PAGE 3 Exhibit G Plane ticket from Dayton, Ohio 4 to Doha, Qatar, June 17, 2011, 5 Bates Shwehdi-000009 70 6 Exhibit H Plane ticket from Washington DC 7 to Dayton, Ohio, September 3, 8 2011, Bates Shwehdi-000010 . . . 73 9 Exhibit I Plane ticket from Dayton, Ohio 10 to Newark, New Jersey, and then 11 to Geneva and Tunis, June 20, 12 2012, Bates Shwehdi-000012 . . . 79 13 Exhibit J Plane ticket from Benghazi, Libya 14 to Columbus, Ohio, March 20, 2013 15 Bates Shwehdi-000014 85 16 Exhibit K Plane ticket from Columbus, Ohio 17 to Benghazi, Libya, May 6, 2013, 18 Bates Shwehdi-000016 90 19 Exhibit L Plane ticket from Benghazi, Libya 20 to Columbus, Ohio, November 22, 21 2013, Bates Shwehdi-000018 . . . 96 22 Exhibit M Flight information for entire 23 Shewehdi family from Dayton, Ohio 24 to Santa Ana, California, March 21, 25 2012, Bates Shwehdi-000034 . . . 102</p>

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<p>1 (Exhibits continued)</p> <p>2 EXHIBIT DESCRIPTION PAGE</p> <p>3 Exhibit N Flight information for Shwehdi</p> <p>4 family coming back from Santa</p> <p>5 Ana, California to Dayton, Ohio,</p> <p>6 March 28, 2012 112</p> <p>7 Exhibit O Boarding passes and other flight</p> <p>8 information, trip from Cincinnati,</p> <p>9 Ohio, to San Francisco, May 19,</p> <p>10 2016, Bates Shwehdi 27 and 38 . . 116</p> <p>11 Exhibit P Flight information for Shwehdi</p> <p>12 family trip from Cincinnati to</p> <p>13 Denver, Denver to San Francisco,</p> <p>14 then back to Ohio, December 2016 134</p> <p>15 Exhibit Q Application for TSA Precheck,</p> <p>16 Bates Shwehdi-000022 213</p> <p>17 Exhibit R Document containing DHS Travelers</p> <p>18 Injury Redress Program (TRIP),</p> <p>19 Bates Shwehdi-000044 217</p> <p>20 Exhibit S Judgment in a Criminal Case,</p> <p>21 Zuhair El-Shwehdi, defendant,</p> <p>22 August 29, 2008, Case number</p> <p>23 3:07-cr-0176 232</p> <p>24</p> <p>25</p>	<p>1 PROCEEDINGS</p> <p>2 ZUHAIR EL-SHWEHDI,</p> <p>3 having been first duly sworn, testified</p> <p>4 upon his oath as follows:</p> <p>5 EXAMINATION BY COUNSEL FOR DEFENDANT</p> <p>6 BY MS. POWELL:</p> <p>7 Q Mr. El-Shwehdi, good morning.</p> <p>8 A Good morning.</p> <p>9 Q My name is Amy Powell. I'm an attorney</p> <p>10 for the government here today. I'm sure your</p> <p>11 lawyer has explained to you about what will happen</p> <p>12 at a deposition today. I'm going to repeat some</p> <p>13 of that information to make sure that you</p> <p>14 understand it. If you can just indicate to me</p> <p>15 that you understand it.</p> <p>16 A Okay.</p> <p>17 Q I am asking you questions under oath.</p> <p>18 Do you understand that?</p> <p>19 A Yes.</p> <p>20 Q I'll need you to answer so that the</p> <p>21 court reporter can take down your answers, so you</p> <p>22 need to answer in words, not by nodding your head.</p> <p>23 Do you understand?</p> <p>24 A Yeah.</p> <p>25 Q If you do not understand me for any</p>
Page 7	Page 9
<p>1 (Exhibits continued)</p> <p>2 EXHIBIT DESCRIPTION PAGE</p> <p>3 Exhibit T Plea Agreement, USA vs. Zuhair</p> <p>4 El-Shwehdi, Case Number 3:07-cr-</p> <p>5 0176 238</p> <p>6 Exhibit U Letter from Greene Pak Psychiatric</p> <p>7 Services, February 18, 2015,</p> <p>8 with regarding to El-Shwehdi,</p> <p>9 Bates Shwehdi-000006 245</p> <p>10 Exhibit V One-page typewritten commentary</p> <p>11 on El-Shwehdi's experiences with</p> <p>12 various flights, Bates Shwehdi</p> <p>13 000045 252</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 reason, if I am unclear, if you cannot hear me,</p> <p>2 please ask me to clarify.</p> <p>3 Do you understand?</p> <p>4 A Yes.</p> <p>5 Q If you answer my question, I will assume</p> <p>6 that you understood the question.</p> <p>7 Does that make sense?</p> <p>8 A Yes.</p> <p>9 Q We will take breaks whenever you like</p> <p>10 to. Please feel free to ask me if you need a</p> <p>11 break. I will ask you to finish answering the</p> <p>12 question, if you need to, before we take a break.</p> <p>13 A Okay.</p> <p>14 Q Do you have any questions about the</p> <p>15 deposition today?</p> <p>16 A I never attended any deposition. I</p> <p>17 don't know, okay, but I'm ready to, to answer any</p> <p>18 question you have.</p> <p>19 Q I understand.</p> <p>20 Is there any reason you cannot testify</p> <p>21 truthfully and accurately today?</p> <p>22 A No. I have to tell the truth, whatever</p> <p>23 I were.</p> <p>24 Q Have you ever been deposed before?</p> <p>25 A No.</p>

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<p style="text-align: right;">Page 54</p> <p>1 your belongings. 2 Is that true? 3 A Yes. 4 Q Is that much like the experience you 5 just described yesterday? 6 A Exactly the same thing in front of 7 everybody and the same hassle. 8 Q And about how long did that take? 9 A I don't know if I write something here 10 or not. 11 Q Let's see. This says it lasted about 20 12 minutes. 13 A Yeah, various. Sometimes the gentleman 14 who search, he search everything, and he said -- 15 because everybody had to report to somebody, the 16 one who took the, my board -- because when I go 17 overseas, I have my passport with me, and they 18 took my passport and with the, with the boarding 19 pass, and they kept it somewhere. I think there 20 is a station somewhere, okay? And then after they 21 finish searching, they search me and my 22 belongings, they said everything is okay, they 23 stamp it over there. 24 Q So sometimes it takes less time? 25 A No, not, not less than 30 minutes, I</p>	<p style="text-align: right;">Page 56</p> <p>1 I have to speak the truth. When I told you, and I 2 have to bring them evidence, this is when I start 3 collecting the problem. 4 Q Got it. So you were trying to collect 5 evidence on this day? 6 A 2005, I think it happened the same 7 thing, but I don't recall, to be honest with you, 8 but I think -- but this one I think enough for me. 9 Q I understand. 10 A Really about, about how many years now? 11 Seven years, the same hassle, but I think 2005 I 12 went to England. The same thing happened, but I 13 don't have any, any boarding pass or any -- 14 Q On this occasion in 2011 -- 15 A Yes. 16 Q -- did you take any photos or video? 17 A No. I was afraid, really, because we -- 18 back home, you see, because I born in Libya, I 19 came here adult, I finish high school. When we 20 see police, that mean you start shaking, not like 21 you American or this guy, you see? Nowadays, if I 22 go in my car, today after I leave from you, I saw 23 the red light of the police, I start shaking, 24 because we have in our back mind an agenda of the 25 rules, and not like my son or my daughter or my</p>
<p style="text-align: right;">Page 55</p> <p>1 think. 2 Q Okay. 3 A This is the April 3 flight. 4 Q Now, have you written down a description 5 of this experience anywhere that we haven't 6 already talked about? 7 A No. 8 Q Have you talked to anyone other than 9 your attorney about this? 10 A My wife and my kids, yeah. My wife, she 11 knows everything, because they feel it with me, 12 see? And my kids, when they were young, they 13 didn't understand. My child, Hamed, now he's 13, 14 yesterday he start asking me, because he 15 recognize, he start to recognize things, but 16 before that, the only one, Hamed, because he was 17 young, does not know anything, but Nuria and 18 Salha, they know, of course. Those are my 19 daughters, and my son is Hamed. 20 Q So this flight in 2011 was the first 21 time you had this experience where you were pulled 22 out for special screening, you think? 23 A No, no. Even the previous, the one in 24 London, but I don't have any, any document on 25 that. This is why -- you see, I, myself, you see,</p>	<p style="text-align: right;">Page 57</p> <p>1 other daughter. Papa, why you are afraid of the 2 police? They say it with a, with a very, very 3 comfortable way, see? 4 So I couldn't, I couldn't take picture. 5 What are you talking about? Even lately I never 6 took my phone. This is my first time I took my 7 phone with me, ma'am, because I'm coming to -- I 8 want to reach those, and maybe they want to 9 reach it. 10 Q This was the first trip where you had 11 your phone with you? 12 A No. Lately. When I go to California, 13 because my daughter has the phone with me, but 14 because when I go, come from overseas, they took 15 my phone and they took it to another terminal. 16 Maybe we can come to international. They delay me 17 two or three times. I have to go to the -- I 18 missed my flight. This is another maybe you want 19 to ask me about. 20 Q I want to ask you about every time you 21 traveled. 22 A But it's connected to each other, ma'am, 23 everything. This is my situation. It's mixed. I 24 mean mixed problem. What they call it? 25 Q So just one more question about this</p>

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<p style="text-align: right;">Page 178</p> <p>1 to marry her, okay? So I couldn't come early. My</p> <p>2 wife and Nuria, they came before me. They came on</p> <p>3 that purpose, but my main purpose to do my tax for</p> <p>4 myself. And Nuria and my wife, they met that</p> <p>5 gentleman, but they didn't get locked or engaged.</p> <p>6 Q And you stayed in the US a little more</p> <p>7 than a month?</p> <p>8 A I think so. I'm not sure how many --</p> <p>9 the return --</p> <p>10 Q Okay. We'll talk about the return trip</p> <p>11 in a minute.</p> <p>12 A I went back May 6th.</p> <p>13 Q Okay. That sounds right to me.</p> <p>14 A Yep.</p> <p>15 Q So the March 20th trip --</p> <p>16 A March 20, 2013.</p> <p>17 Q -- you moved back to the US via Geneva</p> <p>18 and landed in Dulles?</p> <p>19 A Which one? JFK, March 20.</p> <p>20 Q You're right.</p> <p>21 A 2013.</p> <p>22 Q Yep, you're right.</p> <p>23 A JFK; yes?</p> <p>24 Q Yes. Yes, that's correct.</p> <p>25 Now, your interrogatory responses on</p>	<p style="text-align: right;">Page 180</p> <p>1 scan my passport and then to a private room and</p> <p>2 the same situation. They asked me about myself,</p> <p>3 my family back home and everything. That's it.</p> <p>4 Q Were any of the questions different this</p> <p>5 time?</p> <p>6 A No, no. The same thing. Everything. I</p> <p>7 don't know what -- this takes a long time. I</p> <p>8 missed the flight. I remember. This take me a</p> <p>9 long time, because I went to make ablutions, went</p> <p>10 to the bathroom, and it take me long time. Even I</p> <p>11 told them I need to call my wife, because they</p> <p>12 took my phone. I remember they took it to another</p> <p>13 terminal somewhere, so they allowed me to talk,</p> <p>14 because I already, I know the flight is missing.</p> <p>15 So I phone my wife. I told her I am in</p> <p>16 New York, I am safe, but I still inside</p> <p>17 Immigration. I cannot leave. I think I am going</p> <p>18 to miss the flight. When I go out, I'll give</p> <p>19 you the -- I thought I can catch another flight on</p> <p>20 the same night, but I couldn't. This is what</p> <p>21 happened.</p> <p>22 Q You stayed overnight in New York. Was</p> <p>23 it like before where they gave you a voucher?</p> <p>24 A When I finish, I went upstairs to the</p> <p>25 Turkish airline, and they told them -- they give</p>
<p style="text-align: right;">Page 179</p> <p>1 page 85 say that officers or agents entered the</p> <p>2 aircraft and escorted you to a room. This was --</p> <p>3 so the plane landed at Dulles, and then they came</p> <p>4 onto the plane?</p> <p>5 A No. JFK.</p> <p>6 Q Sorry. At JFK they came onto the plane?</p> <p>7 A Yeah, I remember. Maybe I didn't write</p> <p>8 it. I forgot.</p> <p>9 When the airplane taxiing and they start</p> <p>10 moving toward the gate, the captain, he said</p> <p>11 everybody put the boarding pass on the, on the, on</p> <p>12 the passport, and people, they stand up to take</p> <p>13 their luggage. He said please, everybody, be</p> <p>14 seated, so everybody sit back.</p> <p>15 And then the Turkish agency or something</p> <p>16 like that, Turkish airline ground from the station</p> <p>17 in New York with the, with the, with the</p> <p>18 authorities, they enter to the airplane and they</p> <p>19 took me. I stood up. I'm the only one on that</p> <p>20 airplane. I stood up. They told me follow us.</p> <p>21 Everybody sit down. Even the first class.</p> <p>22 Everybody. They took me. I am the first one, the</p> <p>23 ID.</p> <p>24 I went through, and then I went with</p> <p>25 them immediately, like what I told you before, to</p>	<p style="text-align: right;">Page 181</p> <p>1 me a voucher to the hotel, and I don't know the</p> <p>2 carrier. I forgot the carrier. Before I go, they</p> <p>3 give me -- they issue -- they told me we, we book</p> <p>4 you on the second flight, second day flight. So I</p> <p>5 don't know. Maybe morning, afternoon. I forgot.</p> <p>6 So I went to the hotel. I slept.</p> <p>7 Second morning I come back to the, to the airport,</p> <p>8 and it's a domestic flight like what I told you</p> <p>9 before.</p> <p>10 Q Now, for this one you said that it was a</p> <p>11 substantially similar experience to the previous</p> <p>12 returns but that the whole experience took five or</p> <p>13 six hours this time.</p> <p>14 A This one is more time.</p> <p>15 Q And I'm wondering which part of it took</p> <p>16 longer. Did they ask you more questions, or did</p> <p>17 you wait longer?</p> <p>18 A I wait longer, because they took my, I</p> <p>19 think my phone, and they couldn't do it in their</p> <p>20 terminal. This is what the gentleman told me. He</p> <p>21 said we want to take it to another place to check</p> <p>22 your phone.</p> <p>23 Q Who told you this?</p> <p>24 A One of the officer, the men who, who --</p> <p>25 they are surrounding me, because they didn't send</p>

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<p style="text-align: right;">Page 182</p> <p>1 me -- even if I go to the bathroom, they go with 2 me, and I still waiting until I saw somebody come 3 and they bring the phone. He said everything is 4 clear. They give me my passport and they open the 5 door, and I was outside with my luggage. 6 So the waiting is for that equipment, 7 not for the question and answer. The same period 8 of time, I think. 9 Q Did you get everything back? 10 (Discussion held off the record.) 11 BY MS. POWELL: 12 Q We're still talking about the trip on 13 March 20, 2013, where you landed at JFK. 14 A Okay. 15 Q After they searched your belongings and 16 took your phone and you waited, did you get 17 everything back? 18 A Yeah, yeah. No, nothing missing, yeah. 19 They gave me the phone, they gave me everything, 20 and they hand me my passport, and I went out. I 21 went to the hotel. They give me voucher for food. 22 This is the airline. 23 Q Were there any consequences of the 24 missed flights, missed -- 25 A My family, they are worried on me,</p>	<p style="text-align: right;">Page 184</p> <p>1 A Okay. 2 Q You list here a flight from JFK to 3 Istanbul. I take it from our previous 4 conversation that this was you returning to Libya. 5 A Yes. Not this. This is the tax, when I 6 finish the tax. When I came in March, this is 7 coming back to my family. 8 Q Yes. So you are returning -- 9 A After this, I didn't come and fill the 10 other flight until November something. 11 Q So let's talk about this May 6, 2013 12 flight. When you got back to Libya, were you 13 doing the same -- 14 A Same thing. I went to my family, 15 because we try to settle, I told you, but in that 16 year, the country or the city went downhill. They 17 start killing. 18 I told you they killed one of our 19 teachers. He's an American teacher. He is the 20 teacher of my -- because my daughter, they speak 21 English, and the local, the local school, they 22 didn't provide English, so I put them in -- they 23 call it International School. At International 24 School they bring teacher from America, from 25 Canada, from Australia, from Britain.</p>
<p style="text-align: right;">Page 183</p> <p>1 because my wife, when I talk to her, I told her 2 don't worry, I am safe, I am safe. You see, they 3 expecting this. This is what -- for the family, 4 this is -- what they call it in English? But for 5 myself, I'm used to it. This is my God willing. 6 So I stay. I never did anything wrong. So this 7 is -- maybe our friends, they never, they never 8 touch them in the airport, but they single me out. 9 No problem. I try to take my name off, and this 10 is one of the means, when I found those people. 11 Q I understand. 12 Okay. I think we are down to the last 13 international trip. That's a flight out and a 14 flight back. There's more questions after that, 15 but this is -- 16 A Okay. Take your time. I'm available. 17 Don't worry. 18 Q Just letting you know there's light up 19 ahead. 20 A Don't worry. I'm available. 21 Q Okay. Look at your interrogatory 22 response on page 84. 23 A 84, okay. 24 Q It is the May 6, 2013 flight, so that's 25 paragraph 4 on page 84.</p>	<p style="text-align: right;">Page 185</p> <p>1 So the environment, my kids, they are 2 American, they speak good, so I put them over 3 there, okay? And they make very, very contact 4 with this gentleman, the one who was killed, 5 because his wife, she is American, but she is 6 originally Lebanese. 7 My kids, they have a good relation with 8 those people, okay, and when they kill them and 9 the situation was bad, all my family, my relative, 10 they told me, Zuhair, your kids, they didn't raise 11 up here. We used to this system, but your kids, 12 they just came one year. We wish you to go back. 13 So I decide. I send them I think in 14 September, and I stayed until November, and then I 15 came back forever until now. I never went back. 16 Q But from May to November of 2013, you 17 were doing the same things you were doing -- 18 A The same thing, yeah, all my -- 19 Q Let me finish just so that it's clear on 20 the record. 21 A Sorry. 22 Q You were doing the same things to earn 23 income -- 24 A Yes. 25 Q -- that you were before?</p>

Exhibit K

IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ANAS ELHADY, et al,
Plaintiffs,

v.

Case No.:

CHARLES H. KABLE, et al,
Defendants.

1:16-cv-375 (AJT/JFA)

Washington, D.C.

Wednesday, January 3, 2018

Deposition of:

SAMIR ANWAR

called for oral examination by counsel for Defendants,
pursuant to notice, at Department of Justice, 20
Massachusetts Avenue, NW, Washington, DC, before
Natalia Thomas, a Notary Public in and for the District
of Columbia, beginning at 10:10 a.m., when were present
on behalf of the respective parties:

<p style="text-align: right;">Page 86</p> <p>1 Q How long did the pat down last?</p> <p>2 A A few minutes. Like the pat down</p> <p>3 specifically, you are saying like just --</p> <p>4 Q Yeah.</p> <p>5 A About a minute or two maybe, not even.</p> <p>6 Q Okay.</p> <p>7 A And then I was sat down and questioned as to</p> <p>8 the purpose of the trip and then I was sent back to the</p> <p>9 lobby where I was able to sit with my father and we sat</p> <p>10 there and waited. I was pulled aside again by another</p> <p>11 officer, there was two officers took me to another room</p> <p>12 and started asking me questions specifically -- not</p> <p>13 specifically but like not specific to the trip in</p> <p>14 general but more or less what I did for a profession</p> <p>15 and what type of things I was involved with other than</p> <p>16 my normal work, what type of hobbies and stuff I had.</p> <p>17 Actually, before they did that one of the</p> <p>18 other officers had asked for my phone password. And I</p> <p>19 had initially refused to give it to them because I just</p> <p>20 didn't want them in my phone I guess. It is my</p> <p>21 personal item. And at that point he had notified me</p> <p>22 that he would be taking my phone and he wouldn't be</p>	<p style="text-align: right;">Page 88</p> <p>1 A And then after some time which was about three</p> <p>2 and a half to four hours we were -- I was given my</p> <p>3 stuff back and I was let go. There were some things</p> <p>4 they found in my car that I did not know I had in</p> <p>5 there, that they were questioning me about. And I</p> <p>6 later recalled what they were for and they -- it was</p> <p>7 piece of paper that had a bit locker number on it. And</p> <p>8 it was the bit locker for my work laptop --</p> <p>9 Q Bit locker?</p> <p>10 A Yeah, they require us --</p> <p>11 Q B-I-T?</p> <p>12 A Yes.</p> <p>13 Q What is a bit locker?</p> <p>14 A I'm assuming it is -- I'm not an IT person so</p> <p>15 whenever I turn my computer on it prompts a screen</p> <p>16 where you have to put this bit locker in so you can</p> <p>17 access the computer. Once you put the pin in then you</p> <p>18 can log in, then you put your log in ID. So if you</p> <p>19 wanted to use my work laptop you'd be able to log in</p> <p>20 yourself but we would still be using the same bit</p> <p>21 locker if that makes sense.</p> <p>22 Q Okay.</p>
<p style="text-align: right;">Page 87</p> <p>1 giving it back if I didn't give him a password. So I</p> <p>2 gave him the password. I had nothing to hide. It is</p> <p>3 just a sense of privacy I guess that I was</p> <p>4 uncomfortable with giving them my password initially.</p> <p>5 After that that is when I was pulled back went back to</p> <p>6 the room I guess and questioned. And they started</p> <p>7 inquiring about a trip, the addresses that were stored</p> <p>8 in my phone and stuff specifically to the address that</p> <p>9 we had stayed at while we were there, who lived there</p> <p>10 and what their affiliations are with me. If I remember</p> <p>11 correctly they asked about my family, my -- I'm</p> <p>12 assuming it is from pictures that they had saw. At</p> <p>13 that time, we were also looking to move so there was</p> <p>14 other listings and stuff in my phone, so I was asked</p> <p>15 about those.</p> <p>16 After that I was sent back to the lobby and I</p> <p>17 sat there with my father for a little while.</p> <p>18 Q So you were questioned apart from your father?</p> <p>19 A Yes. My father was not questioned at --</p> <p>20 Q Okay.</p> <p>21 A -- he just sat in the lobby the whole time.</p> <p>22 Q Okay.</p>	<p style="text-align: right;">Page 89</p> <p>1 A I don't -- I don't know -- I'm not an IT</p> <p>2 person. It is just the one step before getting into</p> <p>3 the log in screen for the computer.</p> <p>4 Q Okay. And what did they -- this is a piece of</p> <p>5 paper they found?</p> <p>6 A Yeah, it was a piece of paper, it was like a</p> <p>7 notepad, sticky note --</p> <p>8 Q Okay.</p> <p>9 A -- that had my bit locker on there and I</p> <p>10 forgot I had it in there and they had made it seem like</p> <p>11 -- and I understand I guess but the way the questioning</p> <p>12 happened with -- about the bit locker it seemed like it</p> <p>13 was made a bigger deal than it really needed to be.</p> <p>14 But I guess that's from my perspective. I understand</p> <p>15 they are officers and they have to figure it out but</p> <p>16 once I recalled that it was the bit locker for my work</p> <p>17 laptop then it seemed to be clear.</p> <p>18 Q So you didn't recall what this piece of paper</p> <p>19 was at first?</p> <p>20 A No because they wouldn't show it to me. They</p> <p>21 just said what is the -- and I don't recall it being a</p> <p>22 bit locker -- I didn't know -- I guess the term bit</p>

Exhibit L

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Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ANAS ELHADY, et al.

Plaintiff,

v.

Case No.

CHARLES H. KABLE, et al.

1-:16 cv-375

Defendants.

(AJT/JFA)

DEPOSITION OF SALEEM ALI

DATE: Wednesday, March 14, 2018

TIME: 9:17 a.m.

LOCATION:

Department of Justice

1100 L Street, NW

Washington D.C. 20005

REPORTED BY: Natalia Thomas, Notary Public

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1 On behalf of Plaintiffs:</p> <p>2 DENA M. ROTH, ESQUIRE</p> <p>3 United States Department of Justice</p> <p>4 20 Massachusetts Avenue, NW</p> <p>5 Washington, DC 20001</p> <p>6 dena.m.roth@usdoj.gov</p> <p>7 (202) 514-5108</p> <p>8</p> <p>9</p> <p>10 On behalf of Defendants:</p> <p>11 GADEIR I. ABBAS, ESQUIRE</p> <p>12 Council on American-Islamic Relations (CAIR)</p> <p>13 453 New Jersey Avenue, SE</p> <p>14 Washington, D.C. 20003</p> <p>15 gabbas@cair.com</p> <p>16 (202) 742-6420</p> <p>17</p> <p>18 Also Present:</p> <p>19 MELISSA PACHIKARA/FBI</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>1 WHEREUPON,</p> <p>2 SALEEM ALI</p> <p>3 called as a witness, and having been sworn by the</p> <p>4 notary public, was examined and testified as follows:</p> <p>5 EXAMINATION BY COUNSEL FOR PLAINTIFFS:</p> <p>6 BY MS. ROTH:</p> <p>7 Q Okay Mr. Ali good morning or good evening</p> <p>8 where you are.</p> <p>9 A Yes.</p> <p>10 Q My name is Dena Roth. We met a few days ago</p> <p>11 and we did a very short test of this and I told you at</p> <p>12 that time that I'm ah, an attorney for the Department</p> <p>13 of Justice. I represent the Defendants.</p> <p>14 I uh, am going to walk through a few</p> <p>15 instructions today because we're doing this over Skype</p> <p>16 and because I think it's fair to anticipate that, you</p> <p>17 know, it'll be a little bit more difficult with making</p> <p>18 sure we hear each other.</p> <p>19 Um, I'm just going to talk for a few minutes</p> <p>20 and then pause after I finish speaking to give you a</p> <p>21 chance to respond and that's how we'll do this today.</p> <p>22</p>
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">C O N T E N T S</p> <p>1 EXAMINATION BY: PAGE</p> <p>2 By Ms. Roth 4</p> <p>3</p> <p>4</p> <p>5 E X H I B I T S</p> <p>6 No. DESCRIPTION PAGE</p> <p>7 Exhibit B Second amended responses to discovery</p> <p>8 requests 23</p> <p>9 Exhibit A Complaint 125</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 (*Exhibits attached to transcript.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 5</p> <p>1 Ah, I really ah, appreciate that it's late where you</p> <p>2 are um, so we'll just try and keep this going as</p> <p>3 smoothly as possible.</p> <p>4 The first thing I want to explain is you are</p> <p>5 under oath ah, the same way you would be if you were</p> <p>6 in a courtroom here in the United States. I'm going</p> <p>7 to ask to make sure that you understand that that's</p> <p>8 the case, is that true -- do you understand that?</p> <p>9 A Yes -- yes, I do.</p> <p>10 Q Okay, um, again while we're doing this over</p> <p>11 Skype you're presently located in Indonesia. We are</p> <p>12 present in Washington, D.C. We have a court reporter</p> <p>13 in the room who's going to be transcribing everything</p> <p>14 that I say and everything that you say and everything</p> <p>15 your counsel says.</p> <p>16 It's very important that we not interrupt</p> <p>17 each other and that all of the answers that you give</p> <p>18 me are audible and verbal. I will do my absolute best</p> <p>19 not to interrupt you and so I also ask that you make</p> <p>20 sure you wait until I finish asking my question and</p> <p>21 related to that same thought -- because it's possible</p> <p>22 there'll be a delay in you hearing what I'm saying and</p>

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<p>1 to Abu Dhabi, then Abu Dhabi to Jakarta but there was</p> <p>2 a change in the flight so they ended up flying from</p> <p>3 Toronto to New York.</p> <p>4 And so when you enter into the Toronto</p> <p>5 Airport in order to fly into America you actually have</p> <p>6 to go through customs in order to fly a flight from</p> <p>7 Toronto to New York back in the U.S.</p> <p>8 And so I remember my wife -- she had called</p> <p>9 me and said they had stopped her and the kids and</p> <p>10 questioned them for about 45 minutes to an hour or so</p> <p>11 before they were able to make their flight from</p> <p>12 Toronto to New York.</p> <p>13 Q Did they make the flight from Toronto to New</p> <p>14 York?</p> <p>15 A They did, yeah, they made their flight.</p> <p>16 Q Okay, um, so that's all in June of 2015,</p> <p>17 right?</p> <p>18 A Yes, yes.</p> <p>19 Q And in September did you -- you went to go</p> <p>20 meet them?</p> <p>21 A Yes in September then um, I drove back across</p> <p>22 to Toronto because I mean we were flying back to</p>	<p>1 A Uh this particular time um, actually, we</p> <p>2 drove from -- I had to cross the Blue Water Bridge</p> <p>3 because at the time when I -- because we had a problem</p> <p>4 at that -- I mean because they stopped me so this time</p> <p>5 I decided we would cross in Detroit as opposed to Port</p> <p>6 Huron.</p> <p>7 And there -- we crossed at the tunnel and I</p> <p>8 didn't have any issues um, at the tunnel. There's a</p> <p>9 um, -- I don't know this -- if there's reality to it</p> <p>10 or not but there's a saying amongst some of the people</p> <p>11 in Detroit that it's easier to cross at the tunnel</p> <p>12 than it is the bridge and so that's why I chose the</p> <p>13 tunnel and we didn't have any problems at the tunnel.</p> <p>14 Q Okay so if you're looking at page 10,</p> <p>15 paragraph 15 -- is that the tunnel crossing you are</p> <p>16 referring to ah, October 4?</p> <p>17 A Um, yes it is.</p> <p>18 Q Okay.</p> <p>19 A Yes, it is, yes, it is.</p> <p>20 Q Okay so then paragraph 14 it says you exited</p> <p>21 the United States again, is that right?</p> <p>22 A No. You know I don't know about number 14.</p>
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<p>1 Toronto from Indonesia and I flew to Indonesia from</p> <p>2 Toronto and I was there a little short of a month um,</p> <p>3 in Indonesia and then we all flew back together ah, to</p> <p>4 Toronto.</p> <p>5 Q Did you --</p> <p>6 A Then we drove back from Toronto to Detroit.</p> <p>7 Q Did you encounter any problems crossing from</p> <p>8 Detroit over into Canada to get to the airport?</p> <p>9 A No.</p> <p>10 Q Did you encounter any problems or delays ah,</p> <p>11 at check-in or security when you were flying from</p> <p>12 Toronto to Jakarta?</p> <p>13 A No.</p> <p>14 Q Okay and then returning from Jakarta to</p> <p>15 Toronto, did you encounter any problems checking in or</p> <p>16 with security?</p> <p>17 A No.</p> <p>18 Q So then once you landed in Toronto you drive</p> <p>19 with your family back across into Detroit, right?</p> <p>20 A Yes that's right.</p> <p>21 Q And what happened ah, when you were crossing</p> <p>22 the border back into the United States?</p>	<p>1 I don't know if that is tied into number 15 or not,</p> <p>2 not for sure.</p> <p>3 Q Okay then so paragraph 13 which is also in or</p> <p>4 about October 2015 and describes a secondary</p> <p>5 inspection and detention by CPB for six hours?</p> <p>6 A Um-hmm, um-hmm.</p> <p>7 Q Do you recall this?</p> <p>8 A Yeah and that date should be November.</p> <p>9 Q Okay. Okay, what -- so what can you tell me</p> <p>10 about that trip?</p> <p>11 A Um, about -- say about noon my friend and I,</p> <p>12 we went to have lunch um, in Windsor and it was just</p> <p>13 supposed to be a short trip. We were going to go have</p> <p>14 lunch and then I had to pick my children up from</p> <p>15 school at, at 3:30.</p> <p>16 So I mean it was just a quick trip. I mean I</p> <p>17 don't know if you are familiar with Detroit but I mean</p> <p>18 from where I live at to the bridge it's only about 15</p> <p>19 minutes and then the restaurant that I go to has got</p> <p>20 to be 3 or 4 minutes from the bridge.</p> <p>21 And so we went and we ate and then we prayed</p> <p>22 and then we came back and we literally -- I think we</p>

<p style="text-align: right;">Page 50</p> <p>1 may have been in Windsor for maybe an hour and 15 2 minutes or so because I mean I had prior engagements 3 and we were just going to have lunch. 4 Um, when we got back to the bridge, um, they 5 chose -- chose us for a secondary inspection and so I 6 mean, I've been in secondary inspections before and I 7 -- I mean I wasn't. You know, normally they just -- 8 they call you up they ask for your information and you 9 know sometimes they let you go. 10 On this particular time, they called for my 11 information and told me to go sit back down they were 12 still waiting and then they searched the car because 13 you have to leave everything in the car and so then 14 they started bringing my things in from the car and my 15 phones and uh, you know anything that was in the car. 16 Normally I would bring food back because we 17 can't bring like -- normally when I go to Canada I eat 18 goat meat and so I know not to bring the goat meat 19 back because I don't want any problems at the border. 20 Um, and so I'm watching the clock, you know, 21 go by you know, we were sitting there and it got to a 22 point to where we were just sitting for a long period</p>	<p style="text-align: right;">Page 52</p> <p>1 Whether my kids were born at -- where I 2 worked at and I told him, you know, you guys asking me 3 all these things just in June, you should have all 4 this information already. You know, why are you 5 asking me the same questions that you already have 6 information to? 7 And even at that time I explained to them I 8 mean you guys should have my information. I crossed 9 the border frequently they have my information. I 10 mean I have an FBI background check because I have a 11 hazardous materials endorsement so you should have my 12 information. I'm upset and um, it happened that they 13 wanted my, my password to my personal phone and the 14 password to my work phone. 15 And around -- I mean this is going on, you 16 know, maybe 9-10 o'clock at night. They wanted to -- 17 they told us at that time they were going to keep our 18 phones and so of course I was livid because the one 19 phone didn't even belong to me, it was my work phone. 20 And um, maybe around 11 o'clock they released 21 us and that was the day that boiled my blood so much 22 to where I mean I contacted uh, Representative ah,</p>
<p style="text-align: right;">Page 51</p> <p>1 of time and then they would call either myself or my 2 friend up and they did an iris scan and then we'd go 3 sit back down and then they wanted -- they have one of 4 us come behind the counter. 5 They swiped the bottoms of our feet and then 6 I had to go back out still sitting, waiting um, we 7 weren't allowed to use the phone to call anybody. I 8 mean I couldn't call my wife to let her know that I 9 wasn't going to be able to pick up the kids because 10 I'm still here at the border. 11 Um, I mean by this time I was -- I would say 12 I was angry because of you know, this detention and so 13 and I was angry with the supervisor who was in charge 14 and he kept saying that it wasn't him, that it was 15 above him, that it wasn't him -- the reason why they 16 were holding us. 17 And they took my fingerprints and then maybe 18 -- I mean you know we've been there now three or four 19 hours or so um, they called each of us back separately 20 into their office and um, I got back to the office he 21 had like a file, the officer had got a file and he was 22 asking me questions about my wife and my kids.</p>	<p style="text-align: right;">Page 53</p> <p>1 John Conyers Office and also contacted ah, I believe 2 at that time Senator Levin in regards to this 3 particular issue because I think that they were going 4 -- on that particular time, especially when I was only 5 in Canada for a little over an hour so I wasn't there 6 for a long period of time. 7 Q You received your phone back. It says that 8 you returned -- you received your phones the following 9 day, is that right? 10 A Yeah, they called me the next morning and 11 told me that I could come and pick up my phone. 12 Q Okay. 13 A Two phones. 14 Q Was there any other time in your travels 15 where you had your phone taken and then you had to 16 pick it up later? 17 A No. 18 Q We skipped over one -- one trip in the 19 relative same time period, it's at paragraph 21, page 20 11 where it says December 15, 2014? 21 A Hold on one second. 22 Q Sure, take your time.</p>

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<p>1 A Um, what page is it?</p> <p>2 Q Page 11, paragraph 21.</p> <p>3 A Okay, yeah, December 14, 2014.</p> <p>4 Q It says here that you traveled uh, back</p> <p>5 through the Detroit Windsor Tunnel and I'm reading,</p> <p>6 "Plaintiff Ali was questioned and went through</p> <p>7 secondary inspection." Do you remember this trip</p> <p>8 through the tunnel?</p> <p>9 A Ah, yes, this was um, this was right around</p> <p>10 the time when my wife had -- she had just got her</p> <p>11 green card and we -- I hadn't been able, I hadn't</p> <p>12 taken her to Canada and so, you know, I thought maybe</p> <p>13 it would be nice, you know, to with her to go to</p> <p>14 Canada and so her and my son had just received their</p> <p>15 green cards like maybe a couple of weeks prior to</p> <p>16 that.</p> <p>17 And so we went over, had dinner because</p> <p>18 normally um, we go to ah -- actually I'm sorry. We</p> <p>19 went to um, Toronto on this trip. We wanted to spend</p> <p>20 the weekend, maybe a couple of days in Toronto in</p> <p>21 Niagara Falls and then we came back from Toronto and</p> <p>22 like I said this is when she had just received her --</p>	<p>1 we had the -- we were stopped and had to go through a</p> <p>2 secondary inspection. Um, I don't recall the -- ah</p> <p>3 it's mainly them asking me what my work was and I</p> <p>4 don't recall there being a long period of ah time in</p> <p>5 which we had to ah wait or be detained.</p> <p>6 Q Okay, okay so then the next trip in your</p> <p>7 responses is a trip by air in April of 2016. That</p> <p>8 trip is listed on page 8, paragraph 19.</p> <p>9 A Okay.</p> <p>10 Q Just let me know when you see that.</p> <p>11 A Page 8, paragraph 19?</p> <p>12 Q Correct, do you see where it says April 11,</p> <p>13 2016?</p> <p>14 A Yes.</p> <p>15 Q Do you recall your trip to Indonesia in April</p> <p>16 of 2016?</p> <p>17 A Yeah but that date, that date is incorrect.</p> <p>18 That was the -- I don't know maybe the numbers got</p> <p>19 transposed or something because that's the initial</p> <p>20 trip it looks like from San Francisco to Indonesia,</p> <p>21 detained by three hours by CBP.</p> <p>22 Q So explain that one more time. What should</p>
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<p>1 her green card and my son.</p> <p>2 Um, and we got back they put us into a</p> <p>3 segregated inspection because it was her, I and all</p> <p>4 the kids and so normally when we travel it's -- at</p> <p>5 that time it was one, two, three, four, I mean there</p> <p>6 was like seven of us travelling.</p> <p>7 Q And how long were you questioned if you</p> <p>8 remember?</p> <p>9 A I mean I don't recall the exact amount of</p> <p>10 time um, I mean it could have been a half hour so I</p> <p>11 mean because we sat -- we sat there waiting for a</p> <p>12 little while and dealing with that. It wasn't like an</p> <p>13 excessively long period of time.</p> <p>14 Q Okay, ah, so one paragraph above that on the</p> <p>15 same page -- paragraph 20 where it says April 9, 2015,</p> <p>16 do you see that?</p> <p>17 A Um-hmm.</p> <p>18 Q And ah, do you recall that your April 2015</p> <p>19 trip back over the Blue Water Bridge?</p> <p>20 A April 9, 2015 -- yeah this would have been</p> <p>21 uh, another time where um, we went to Toronto. My</p> <p>22 wife and I and the kids and um, I'm probably returning</p>	<p>1 the date be?</p> <p>2 A That -- that was the April 2011 trip, the</p> <p>3 information that's contained in number 19.</p> <p>4 Q I see.</p> <p>5 A Pertained to the April yeah --</p> <p>6 Q Is that -- and that's in paragraph 20?</p> <p>7 A Uh, yeah, I guess paragraph 20 would be --</p> <p>8 yeah that would -- yes, that would be the, the same</p> <p>9 information but the date is -- the dates are</p> <p>10 incorrect. I mean March 29 it was April, it was</p> <p>11 actually April 1st or 2nd, 2011, there's no 2016 trip.</p> <p>12 Q Okay. Can you um, the very last page of this</p> <p>13 document if you just scroll to the last page you'll</p> <p>14 see a document that says verification. Let me know</p> <p>15 when you're there.</p> <p>16 A Yes.</p> <p>17 Q Do you see your signature there Mr. Ali?</p> <p>18 A Yes, I do.</p> <p>19 Q Okay and it says here that you're signing</p> <p>20 under oath that the responses in the foregoing</p> <p>21 interrogatories are true and correct to the best of</p> <p>22 your information and belief?</p>

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<p style="text-align: right;">Page 58</p> <p>1 A Um-hmm.</p> <p>2 Q You're telling me about a bunch of errors --</p> <p>3 at least one error, maybe two -- did you review these</p> <p>4 before you signed that last page?</p> <p>5 A I didn't go through all of them, no.</p> <p>6 Q Okay and the -- am I right that the date next</p> <p>7 to your signature says December 23, 2017?</p> <p>8 A Yes, that's correct.</p> <p>9 Q If you scroll up one more page do you see</p> <p>10 where it says certificate of service?</p> <p>11 A Um-hmm.</p> <p>12 Q And do you see where it says, "I hereby</p> <p>13 certify that on February 2nd, 2018 I served the</p> <p>14 foregoing document to Defendants via electronic mail?"</p> <p>15 A Um-hmm.</p> <p>16 Q Do you recall if you looked at your responses</p> <p>17 to these interrogatories between December 23rd, 2017</p> <p>18 and February 2nd, 2018?</p> <p>19 MR. ABBAS: Objection asked and answered.</p> <p>20 You can answer if you remember.</p> <p>21 MS. ROTH: I don't recall asking that</p> <p>22 question before.</p>	<p style="text-align: right;">Page 60</p> <p>1 Q Okay we did talk about a trip -- a trip in</p> <p>2 October where you said it was November but I think</p> <p>3 that was in 2015 so I just want to make sure I</p> <p>4 understand.</p> <p>5 A Yeah, yeah, the date the 2016 date is</p> <p>6 incorrect on that.</p> <p>7 Q So this should say --</p> <p>8 A 2015.</p> <p>9 Q I'm sorry so this should --</p> <p>10 A Should be 2015.</p> <p>11 Q November 15, 2015?</p> <p>12 A Um-hmm.</p> <p>13 Q Okay and this is the occasion where your --</p> <p>14 your phones were confiscated and you were detained for</p> <p>15 six hours right?</p> <p>16 A Yes.</p> <p>17 Q And you were supposed to pick up your kids</p> <p>18 from school but you were still at the border?</p> <p>19 A Yeah.</p> <p>20 Q Okay.</p> <p>21 A Yes, that's correct.</p> <p>22 Q Okay. Okay so then I think the next trip is</p>
<p style="text-align: right;">Page 59</p> <p>1 MR. ABBAS: You can answer if you remember.</p> <p>2 THE WITNESS: I don't remember.</p> <p>3 BY MS. ROTH:</p> <p>4 Q You don't remember looking at them between</p> <p>5 December 23rd and February 2nd?</p> <p>6 MR. ABBAS: Objection mischaracterizes</p> <p>7 assessment on it, you can answer.</p> <p>8 THE WITNESS: I don't recall looking at them</p> <p>9 in between December 23rd and February 2nd.</p> <p>10 MS. ROTH: Okay.</p> <p>11 THE WITNESS: Of 2018.</p> <p>12 MS. ROTH: Okay.</p> <p>13 BY MS. ROTH:</p> <p>14 Q Alright let's go back to uh um, another land</p> <p>15 trip on your list. It's at page -- page 10, paragraph</p> <p>16 12. Let me know when you're there.</p> <p>17 A Okay, page 10, paragraph 12.</p> <p>18 Q Do you see where it says November 15, 2016?</p> <p>19 A You're looking um, actually I answered this</p> <p>20 question already. This was the one which I told you</p> <p>21 it said October but the date said October but it was</p> <p>22 November.</p>	<p style="text-align: right;">Page 61</p> <p>1 by air. Turn to page please 8, paragraph 18.</p> <p>2 A Page 8, paragraph 18?</p> <p>3 Q Correct, do you see where it says March 1st,</p> <p>4 2017?</p> <p>5 A Yes.</p> <p>6 Q So first I should just ask were -- this is</p> <p>7 the -- I understand you're identifying some you know,</p> <p>8 errors and the dates and you know I'm glad that you're</p> <p>9 pointing those out. So I think I haven't seen travel</p> <p>10 by land or by air from 2016. Do you recall if you</p> <p>11 travelled domestically or internationally by air in</p> <p>12 2016?</p> <p>13 A No, I did not.</p> <p>14 Q Okay so March 1st, 2017 is the next time you</p> <p>15 recall flying somewhere?</p> <p>16 A Yeah, the date is incorrect.</p> <p>17 Q Okay what should the date be?</p> <p>18 A Um, March 3.</p> <p>19 Q But 2017?</p> <p>20 A Yes.</p> <p>21 Q Okay when you're spotting these um,</p> <p>22 corrections, are you looking at something else to help</p>

Exhibit M

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ANAS ELHADY, et al.,
Plaintiffs,

v.

Case No.

CHARLES H. KABLE, et al.,
Defendants.

1:16-cv-375

DEPOSITION OF WAEL HAKMEH, D.O.

DATE: Friday, March 2, 2018

TIME: 10:34 a.m.

LOCATION:

Department of Justice
200 Massachusetts Avenue
Room 7125
Washington D.C.

REPORTED BY: Michael Farkas, Notary Public

Wael Hakmeh
Elhady vs. Kable

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1 APPEARANCES	1 EXHIBITS
2 On behalf of Plaintiffs:	2 No. DESCRIPTION PAGE
3 GADEIR ABBAS, ESQUIRE	3 Exhibit 20 Boarding pass 180
4 Council on American-Islamic Relations (CAIR)	4 Exhibit 21 Boarding pass stamped and signed
5 453 New Jersey Avenue, SE	181
6 Washington, DC 20003	5 Exhibit 25 Travel document 184
7 gabbas@cair.com	6 Exhibit 15 Boarding pass, 2/2 184
8 (202) 742-6420	7 Amman Istanbul Chicago
9	8 Exhibit 7 Boarding pass, 205
10 On behalf of Defendants:	9 San Diego Phoenix Detroit
11 CHRISTOPHER R. HEALY, ESQUIRE	10 Exhibit 11 Boarding pass, 228
12 U.S. Department of Justice, Civil Division	11 Stockholm Copenhagen
13 20 Massachusetts Avenue, NW	12 Exhibit 13 Boarding pass 230
14 Washington, DC 20001	13 Exhibit 1 Lawsuit document 279
15 christopher.healy@usdoj.gov	14
16 (202) 514-8045	15
17	16
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21	20
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	22
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1 CONTENTS	1 PROCEEDINGS
2 EXAMINATION BY: PAGE	2 WHEREUPON,
3 By Mr. Healy 5	3 WAEL HAKMEH
4 By Mr. Abbas 291	4 called as a witness, and having been sworn by the
5	5 notary public, was examined and testified as follows:
6 EXHIBITS	6 EXAMINATION BY COUNSEL FOR DEFENDANT
7 No. DESCRIPTION PAGE	7 BY MR. HEALY:
8 Exhibit 5 Interrogatory response 8	8 Q Good morning. My name is Christopher Healy.
9 Exhibit 4 12/21 8	9 I'm an attorney here at the Department of Justice, and
10 Exhibit 3 1/9 9	10 I'll be taking your deposition today. Do you
11 Exhibit 37 Current passport 23	11 understand you're under oath?
12 Exhibit 35 Passport & driver's license 24	12 A Yeah.
13 Exhibit 8 Email 32	13 Q So, as we get started today, just a couple of
14 Exhibit 17 Boarding pass, 2/4/15 86	14 preliminary things. When you answer my questions, try
15 Exhibit 29 Boarding pass Dubai & Chicago 86	15 to do your best to say yes or no audibly, as opposed
16 Exhibit 18 Boarding pass, 5/1/16 101	16 to saying yeah or uh-huh or shaking your head yes or
17 Exhibit 36 Boarding pass, 5/1/16 101	17 no. Your attorney might object to some of my
18 Exhibit 28 Boarding pass, 5/15 102	18 questions. That's okay. You can still answer the
19 Exhibit 33 Boarding pass, 7/30/15 107	19 questions, unless your attorney recommends that you
20 Exhibit 34 Flight stub, 11/11 116	20 don't. Is there any reason you can't answer the
21 Exhibit 16 Boarding pass, 1/24 and 1/25 132	21 questions I'm asking you today truthfully or
22 Exhibit 31 Boarding pass, Amman, Istanbul, Chicago 144	22 accurately?

<p style="text-align: right;">Page 166</p> <p>1 scanner they had --</p> <p>2 Q Uh-huh.</p> <p>3 A -- against my objections.</p> <p>4 Q Uh-huh.</p> <p>5 A Despite the fact I told them I'm a physician,</p> <p>6 and that I have health concerns about it. All that</p> <p>7 was discounted. They didn't care. One of the TSA</p> <p>8 officers was -- basically said it in a bit of an</p> <p>9 obnoxious manner, that if I didn't want to be screened</p> <p>10 then I can drive to Chicago from San Diego. Then,</p> <p>11 they made me go through a metal detector. Then they</p> <p>12 made me go through the other scanner again. Which to</p> <p>13 me didn't make sense. If one scanner works, why am I</p> <p>14 going through a second one. And why am I being</p> <p>15 exposed to radiation if it's unnecessary? If one</p> <p>16 scanner is generally good for the public, why am I</p> <p>17 being subjected to two scanners.</p> <p>18 Q Okay.</p> <p>19 A Keep in mind, this is happening when my wife</p> <p>20 is -- so, my wife is like seven, eight months</p> <p>21 pregnant, okay. We go in. I go through. I -- you</p> <p>22 know, against my wishes and despite my reservations I</p>	<p style="text-align: right;">Page 168</p> <p>1 Q Okay.</p> <p>2 A And the whole time, I'm calm. I'm talking to</p> <p>3 them like I'm talking to you now. Then I'm sitting</p> <p>4 there waiting for them to go through my bag. I have</p> <p>5 went through security, you know, they are both of --</p> <p>6 the pat down and both of the screening machines And</p> <p>7 we're just sitting there waiting for them to finish.</p> <p>8 And the police show up.</p> <p>9 Q Uh-huh.</p> <p>10 A And they start asking me why I didn't want to</p> <p>11 go through the -- both of the scanners. And I</p> <p>12 explained to them --</p> <p>13 Q And these were local police?</p> <p>14 A This was San -- to my knowledge, these were</p> <p>15 San Diego police officers.</p> <p>16 Q Okay.</p> <p>17 A And there was about three or four them.</p> <p>18 Q Okay.</p> <p>19 A It's not just one officer that showed up.</p> <p>20 Q Okay.</p> <p>21 A Why would I need four -- three or four police</p> <p>22 officers to show up for a physician going to a medical</p>
<p style="text-align: right;">Page 167</p> <p>1 went through both scanners. Okay. I'm inside.</p> <p>2 They're tearing apart -- you know, they're pulling out</p> <p>3 everything from my backpack. And it's mostly medical</p> <p>4 books, stethoscope, things like that. ID. They pull</p> <p>5 everything out, piece by piece. Then somebody called</p> <p>6 the police.</p> <p>7 Q And this was in the security area at San</p> <p>8 Diego airport.</p> <p>9 A That's correct.</p> <p>10 Q Okay.</p> <p>11 A Then somebody calls the police on me, and --</p> <p>12 Q So somebody -- like an individual --</p> <p>13 A One of the TSA.</p> <p>14 Q -- like a traveler --</p> <p>15 A No, no, no, no.</p> <p>16 Q No.</p> <p>17 A One of the TSA officers.</p> <p>18 Q Did you see them call the police?</p> <p>19 A I saw them walk out and then I saw them walk</p> <p>20 back in.</p> <p>21 Q Uh-huh.</p> <p>22 A And then I saw the police show up.</p>	<p style="text-align: right;">Page 169</p> <p>1 conference and a pregnant woman? Why do we need four</p> <p>2 police officers? Why do I need one police officer?</p> <p>3 We're sitting there. They're asking me -- they're</p> <p>4 telling me, well, why didn't you want to go through</p> <p>5 it. And I explained to them. You know, there's</p> <p>6 medical reasons I don't want to go through, and then</p> <p>7 there's privacy reasons. And he told me -- this is</p> <p>8 one of the officers -- he said if you don't go through</p> <p>9 it I can charge you with a misdemeanor right now and</p> <p>10 send you to jail. Now, that's news to me. Number</p> <p>11 one, nobody there ever said if you don't go through</p> <p>12 the -- either one of the scanners, or both of the</p> <p>13 scanners, that you would be charged with a misdemeanor</p> <p>14 and go to jail. Number two, I don't even think that's</p> <p>15 legal. I've never heard that. There's never been --</p> <p>16 I've traveled a fair amount, as you can see. There's</p> <p>17 never been any warning that says that if you do that</p> <p>18 you'll go to jail. That's punishable -- it's a</p> <p>19 misdemeanor punishable with jail Number three, I've</p> <p>20 already went through this scanner. What's the point</p> <p>21 of making that kind of accusation and charging me for</p> <p>22 it, or threatening to charge me with something like</p>

<p style="text-align: right;">Page 170</p> <p>1 that, when I've already went through the scanning 2 machine. Why would you -- 3 Q So, they didn't actually charge you with a 4 misdemeanor? 5 A He threatened to charge me. 6 Q He threatened to. 7 A Even though -- 8 Q Okay. 9 A He threatened to charge me with a bogus 10 charge, for not going through one of the scanners, 11 when I had already went through both of them before 12 they even arrived. 13 Q And so, how did this interaction conclude? 14 A So, at this point I'm thinking I have two 15 options. Either I basically just say nothing, 16 renounce my rights. Or I can fight it and say show me 17 where it's at. And call their bluff and see, because 18 I don't believe that's legal. I don't believe that 19 they can arrest me, charge me with a misdemeanor, when 20 I've acquiesced and done everything that they've asked 21 me, despite my personal objections to it. 22 Q And so what did you do?</p>	<p style="text-align: right;">Page 172</p> <p>1 interaction take? From start to finish. 2 A I would encourage you to look at the 3 videotape. If I had to guess, probably about -- it 4 was over an hour, because I remember waiting for 5 someone to come, while we were waiting. Because 6 initially they wouldn't come. They said you have to 7 wait. And I told them I don't want to go through it. 8 And then I asked them can I speak with whoever is in 9 charge of, you know, TSA here or anybody in the 10 airport who is in charge, because it doesn't seem 11 reasonable to force somebody against their wish to go 12 through the scanners. And I waited for what I 13 remember was over an hour. Then they showed up. Then 14 I had to go through both scanners. Then they went 15 through my bag for another ten minutes or so. Then I 16 had to talk to the police. So, the whole encounter 17 probably about two hours or more. I would encourage 18 you to try to get the videotape for -- you know, if 19 you could subpoena it, that would be great. 20 Q And did you make the flight? 21 A I made the flight. 22 Q You made the flight. When you arrived at the</p>
<p style="text-align: right;">Page 171</p> <p>1 A So, at that point I thought about my wife, 2 who is pregnant. And if I were to go to jail, the 3 last thing I want -- we tried hard to have a kid, and 4 I don't want her having a miscarriage. And she's 5 stuck in San Diego by herself, and I'm trying to get 6 back to Detroit. 7 Q Was she with you during this interaction? 8 A She was sitting there. 9 Q Okay. 10 A She sees four police officers come up. What 11 do you think a pregnant woman is going to do? She's 12 worried. So, at that point, I basically decided I'm 13 going to renounce my own rights, not say anything, let 14 them do what they want to do. I'm not going to argue 15 with them, and I just want to get out of that 16 situation. Although it was my right to make them 17 prove what they were saying -- prove to me that that's 18 a misdemeanor. If you're threatening to send me to 19 jail, send me to jail. But they -- but I didn't do 20 that. Because I didn't want something bad to happen 21 to my wife and my son, God forbid. 22 Q Uh-huh. And about how long did this whole</p>	<p style="text-align: right;">Page 173</p> <p>1 gate, was -- did anything happen at the gate? After 2 this interaction, after you arrived at the gate. 3 A Not with me personally. I found somebody's 4 bag and I told one of the officers about it. So, they 5 could announce it to whoever it was. But they didn't 6 seem particularly excited about talking to me. 7 Q All right. What do you mean you found -- 8 A Because they -- 9 Q -- you found somebody's bag? Like, somebody 10 had left a bag? 11 A Somebody walked away and forgot their bag. 12 And then I alerted one of the officers that I think 13 somebody left their bag. They took it and then they 14 opened it up, found the person's name and announced it 15 overhead. 16 Q Okay. 17 A But despite doing a good deed, I was still 18 treated like I was a criminal, the way they looked at 19 me. 20 Q And did anyone ask you any questions at the 21 gate, related to the kinds of search that you 22 described earlier?</p>

Exhibit N

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ANAS ELHADY, ET AL,
Plaintiff,

v.

Case No.:

CHARLES H. KABLE, ET AL
Defendant.

1:16-cv-375 (AJT/JFA)

Washington, D.C.

Monday, December 18, 2017

Deposition of:

called for oral examination by counsel for Plaintiff,
pursuant to notice, at Department of Justice, 20
Massachusetts Avenue, NW, Washington, D.C., before
Natalia Thomas, a Notary Public in and for the District
of Columbia, beginning at 10:35 a.m., when were present
on behalf of the respective parties:

Elhady vs. Kable

Page 2

1 A P P E A R A N C E S
2 On behalf of Defendants:
3 ANTONIA KONKOLY, ESQUIRE
4 United States Department of Justice
5 Federal Building
6 310 New Bern Avenue, Suite 800
7 Raleigh, NC 27601
8 Antonia.Konkoly@usdoj.gov
9 (919) 716-6830
10
11 On behalf of Plaintiffs:
12 LENA MASRI, ESQUIRE
13 Council on American-Islamic Relations (CAIR)
14 453 New Jersey Avenue, SE
15 Washington, D.C. 20003
16 lmasri@cair.com
17 (202) 742-6420
18
19
20
21
22

Page 4

1 P R O C E E D I N G S
2 WHEREUPON,
3 [REDACTED]
4 called as a witness, and having been sworn by the
5 notary public, was examined and testified as follows:
6 EXAMINATION BY COUNSEL FOR PLAINTIFF
7 BY MS: KONKOLY:
8 Q Good morning [REDACTED]. My name is Antonia
9 Konkoly. I am an attorney for the Department of
10 Justice. I'm defending the Defendants in this suit.
11 Have you ever been deposed before?
12 A No.
13 Q I'm going to start by just going over some
14 ground rules and instructions just to make sure that
15 you understand how this works. So do you understand
16 that you are under oath?
17 A Yes.
18 Q I am going to ask that for all questions that
19 I ask today that you give audible answers meaning we
20 are here to create a transcript and so if you just nod
21 your head or say things like uh-huh it is not going to
22 create a clear record of what was said here. So please

Page 5

1 answer with words clearly so the court reporter can
2 record those; do you understand?
3 A Yes.
4 Q Your attorney may offer objections to some of
5 the questions that I ask but unless she instructs you
6 to you can still answer notwithstanding the objection;
7 do you understand that?
8 A Yes.
9 Q I'm going to ask that if you need
10 clarification for any of my questions you just ask,
11 tell me that you don't understand. If you do answer a
12 question I'm going -- I'm going to assume that you did
13 understand what I asked?
14 A Okay.
15 Q Is there any reason why you cannot answer
16 truthfully and accurately today?
17 A No.
18 Q Are you on any medications that would affect
19 your memory?
20 A No.
21 Q Did you prepare for this deposition?
22 MS. MASRI: I'm going to object to the extent

Elhady vs. Kable

<p style="text-align: right;">Page 102</p> <p>1 A For the no-fly list?</p> <p>2 Q Yes.</p> <p>3 A No.</p> <p>4 MS. KONKOLY: Exhibit G.</p> <p>5 [REDACTED]: Thank you.</p> <p>6 (WHEREUPON, Defendant's Exhibit G was marked</p> <p>7 for identification.)</p> <p>8 Q Do you recognize this document? It says case</p> <p>9 report subject accident failed to stop and identify,</p> <p>10 has a date of September 21, 2011; is that correct?</p> <p>11 A Correct.</p> <p>12 Q Okay. Does this document have anything to do</p> <p>13 with your allegations in this lawsuit?</p> <p>14 MS. MASRI: I'm going to object on the basis</p> <p>15 that it calls for a legal conclusion, calls for</p> <p>16 speculation. Only answer if you know?</p> <p>17 [REDACTED]: Can you repeat what you said?</p> <p>18 MS. KONKOLY: To your understanding does this</p> <p>19 document have anything to do with your allegations in</p> <p>20 this lawsuit:</p> <p>21 MS. MASRI: Same objection.</p> <p>22 MS. KONKOLY: You can answer.</p>	<p style="text-align: right;">Page 104</p> <p>1 Q So if you could turn to Page 79. Starting on</p> <p>2 Paragraph 545 if you could read those paragraphs to see</p> <p>3 if it refreshes your recollection.</p> <p>4 A On or about December 12, 2014, after having</p> <p>5 been pulled over while driving for a minor traffic</p> <p>6 violation by a local police officer in Warren,</p> <p>7 Michigan, the police officer conducted a search of Mr.</p> <p>8 Doe Number 4's vehicle.</p> <p>9 Q Okay. Are -- is the document in front of you,</p> <p>10 the document that is related to this incident?</p> <p>11 A Yes.</p> <p>12 Q In the paragraph that you just read?</p> <p>13 A Yes.</p> <p>14 Q Okay. Can you describe what happened here?</p> <p>15 A I was pulled over for a minor traffic</p> <p>16 violation. And the officer pulled me over and I -- he</p> <p>17 said that you were driving bad and then --</p> <p>18 Q Was there anyone in the car with you?</p> <p>19 A Yes.</p> <p>20 Q Had you been drinking alcohol prior to driving</p> <p>21 that night?</p> <p>22 A No.</p>
<p style="text-align: right;">Page 103</p> <p>1 [REDACTED]: To the best of my knowledge this</p> <p>2 does not have to do with the law -- the no-fly list.</p> <p>3 MS. KONKOLY: Okay.</p> <p>4 Document Number H.</p> <p>5 (WHEREUPON, Defendant's Exhibit H was marked</p> <p>6 for identification.)</p> <p>7 BY MS. KONKOLY:</p> <p>8 Q Do you recognize this document? It appears to</p> <p>9 be an arrest report of a time in which you were</p> <p>10 arrested for -- it says you were armed with another</p> <p>11 firearm.</p> <p>12 A I do.</p> <p>13 Q Okay. What is the date of this incident.</p> <p>14 MS. MASRI: Only answer if you know.</p> <p>15 [REDACTED]: I do not know.</p> <p>16 BY MS. KONKOLY:</p> <p>17 Q You can turn to, which exhibit is the</p> <p>18 complaint again? I think it might be B. Where is the</p> <p>19 official copy of Exhibit B for the witness? All those</p> <p>20 documents need to go with the Court Reporter in the</p> <p>21 end, we need to keep track of them.</p> <p>22 A Yeah, I'm keeping it relatively organized.</p>	<p style="text-align: right;">Page 105</p> <p>1 Q Had you taken any medications prior to</p> <p>2 driving?</p> <p>3 A No.</p> <p>4 Q Had you taken any illegal controlled</p> <p>5 substances?</p> <p>6 A No.</p> <p>7 Q What was the minor violation for which you</p> <p>8 were pulled over?</p> <p>9 A For pulled over was reckless driving.</p> <p>10 Q Okay. And what about your driving did the</p> <p>11 officer tell you was the problem?</p> <p>12 A I turned hard.</p> <p>13 Q Can you elaborate?</p> <p>14 A I went down the middle lane and turned, that</p> <p>15 was it.</p> <p>16 Q Were you driving in -- was the middle lane a</p> <p>17 lane that you were legally allowed to be in?</p> <p>18 A Yes, like you know a turn --</p> <p>19 Q A turn lane?</p> <p>20 A Yeah, I went in the turn lane and turned but I</p> <p>21 turned hard.</p> <p>22 Q Okay. And it was right after that that you</p>

1 were pulled over?

2 A Yes.

3 Q Okay. Had you taken any Tramadol prior to

4 driving that evening?

5 A No.

6 Q So what happened after the officer pulled you

7 over?

8 A He searched my car and I was handcuffed and

9 placed in the back of the police vehicle. And then he

10 searched my car for seems to be like a good 30 to 45

11 minutes. And from there he found a broken in two toy

12 like air soft gun that had an orange tip and it really

13 doesn't represent -- doesn't even resemble really

14 anything and from there I was arrested. And it started

15 off with just one officer but it seemed like within

16 five minutes the whole entire Warren and Centerline

17 police department was there. And they were all

18 surrounding the car and surrounding my vehicle and I

19 got arrested.

20 Q Was your brother also arrested?

21 A Yes.

22 Q Had your brother been smoking marijuana that

Exhibit O

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ANAS ELHADY, et al.,

Plaintiff,

v.

Civil Action No.:

CHARLES H. KABLE, et al.,

1:16-cv-375 (AUT/JFA)

Defendant.

Washington, D.C.

Tuesday, January 9, 2018

Deposition of:

IBRAHIM AWAD

called for oral examination by counsel for the
Plaintiff, pursuant to notice, at the Department of
Justice, 20 Massachusetts Avenue, NW, Washington, D.C.,
before Natalia Thomas, a Notary Public in and for the
District of Columbia, beginning at 10:10 a.m., when
were present on behalf of the respective parties:

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1 On behalf of Plaintiff:</p> <p>2 AMY POWELL, ESQUIRE</p> <p>3 United States Department of Justice</p> <p>4 Federal Building</p> <p>5 310 New Bern Avenue, Suite 800</p> <p>6 Raleigh, NC 27601</p> <p>7 amy.powell@usdoj.gov</p> <p>8 (919) 856-4013</p> <p>9</p> <p>10</p> <p>11 On behalf of Defendant:</p> <p>12 Lena F. Masri, Esquire</p> <p>13 Council on American–Islamic Relations (CAIR)</p> <p>14 453 New Jersey Avenue, SE</p> <p>15 Washington, DC, 20003</p> <p>16 lmasri@cair.com</p> <p>17 (202) 742-6420</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>1 WHEREUPON,</p> <p>2 IBRAHIM AWAD</p> <p>3 called as a witness, and having been sworn by the</p> <p>4 notary public, was examined and testified as follows:</p> <p>5 EXAMINATION BY COUNSEL FOR PLAINTIFF</p> <p>6 BY MS. POWELL:</p> <p>7 Q Please state your name for the record.</p> <p>8 A Ibrahim Hetham Awad.</p> <p>9 Q I’m sure your attorney has talked to you a bit</p> <p>10 about the format of a deposition and what will happen</p> <p>11 here today. I’m going to go over it anyway, even</p> <p>12 though you probably already know it.</p> <p>13 A Okay.</p> <p>14 Q Just so that we all understand what’s</p> <p>15 happening and that I know that you know it and you know</p> <p>16 that I know.</p> <p>17 The format is generally that I am going to ask</p> <p>18 you questions. You are, hopefully, going to answer</p> <p>19 them. And she is going to write down everything we</p> <p>20 say.</p> <p>21 A Okay.</p> <p>22</p>
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">C O N T E N T S</p> <p>1 WITNESS: IBRAHIM AWAD PAGE</p> <p>2 By Ms. Powell 4</p> <p>3</p> <p style="text-align: center;">E X H I B I T S</p> <p>4</p> <p>5 EXHIBIT DESCRIPTION PAGE</p> <p>6 EXHIBIT A Amended Complaint 13</p> <p>7 EXHIBIT B Plaintiffs’ Responses (to original</p> <p>8 set of complaints) 16</p> <p>9 EXHIBIT C Mr. Awad’s responses to first</p> <p>10 set of discovery requests 21</p> <p>11 EXHIBIT D Mr. Awad’s passport 29</p> <p>12 EXHIBIT E Request for document production 32</p> <p>13 EXHIBIT F Itinerary–Detroit/Istanbul, 2013 37</p> <p>14 EXHIBIT G Itinerary—Detroit/Istanbul, 2014 52</p> <p>15 EXHIBIT H Itinerary—Detroit/Saudi Arabia, 2017 68</p> <p>16 EXHIBIT I tinerary—Orlando/Detroit, 2016 109</p> <p>17 EXHIBIT J Itinerary—Detroit/Phoenix, 2017 115</p> <p>18 EXHIBIT K Traveler Inquiry form 180</p> <p>19 EXHIBIT L Itinerary—Detroit/Washington, 2018 186</p> <p>20 (Exhibits attached to transcript.)</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 5</p> <p>1 Q Or record everything we say.</p> <p>2 Your attorney will make some objections along</p> <p>3 the way, I am sure. If she instructs you not to</p> <p>4 answer, you won’t answer the question. But otherwise,</p> <p>5 objection or not, we expect to get answers and to</p> <p>6 proceed.</p> <p>7 A Okay.</p> <p>8 Q Do you understand?</p> <p>9 A Yes.</p> <p>10 Q Do you have any questions?</p> <p>11 A At the moment, no.</p> <p>12 Q Because the deposition and what we say is</p> <p>13 being recorded, that imposes some constraints on how we</p> <p>14 talk.</p> <p>15 A Okay.</p> <p>16 Q First, when you answer questions, I need you</p> <p>17 to answer audibly and aloud, instead of shaking your</p> <p>18 head or nodding.</p> <p>19 A Okay.</p> <p>20 Q Does that make sense?</p> <p>21 A Yes.</p> <p>22 Q Also, even though people might normally, in</p>

<p style="text-align: right;">Page 146</p> <p>1 forward?</p> <p>2 A I don't know what the conversation was, to be</p> <p>3 honest.</p> <p>4 Q I'm asking what you were told.</p> <p>5 A Well, I --</p> <p>6 Q You weren't told any of that, I take it.</p> <p>7 A No. What I shared with you is exactly what I</p> <p>8 told you -- that he had to wait for clearance, and once</p> <p>9 he was given clearance, that's when I was allowed to</p> <p>10 test drive the vehicle.</p> <p>11 Q Okay. And he did not mention the Department</p> <p>12 of Treasury?</p> <p>13 A No.</p> <p>14 Q Or OFAC?</p> <p>15 A I don't --</p> <p>16 MS. MASRI: Objection. Asked and answered.</p> <p>17 BY MS. POWELL:</p> <p>18 Q Or the SDN list?</p> <p>19 A No.</p> <p>20 Q Or Iraq?</p> <p>21 A No. He specifically said the FBI terrorist</p> <p>22 watch list. And he had showed me the email that said</p>	<p style="text-align: right;">Page 148</p> <p>1 A Reason why -- he was just trying to sell a car</p> <p>2 and he's telling me the truth because it's my right to</p> <p>3 know. I'm not sure if I understood the question</p> <p>4 correctly. Is that what you --</p> <p>5 Q Okay. Did you see any documents that would</p> <p>6 show that you were on an FBI terrorist watch list?</p> <p>7 A Other than, it was a printed-out sheet that</p> <p>8 had a red flag on my name.</p> <p>9 Q But it did not say FBI terrorist watch list?</p> <p>10 A I don't recall, to be honest.</p> <p>11 Q Did you see any other documents that said FBI</p> <p>12 terrorist watch list on them?</p> <p>13 A He didn't show me anything other than that</p> <p>14 sheet. He just went like that (indicating), and then</p> <p>15 he took it back because he said he wasn't supposed to</p> <p>16 show me. So it wasn't something I was able to actually</p> <p>17 go over and actually read. And he just pointed out</p> <p>18 where my name was with a red flag.</p> <p>19 Q Right.</p> <p>20 A And then he, obviously, took it back.</p> <p>21 Q Right.</p> <p>22 MS. MASRI: For the record, he just held up a</p>
<p style="text-align: right;">Page 147</p> <p>1 FBI terrorist watch list.</p> <p>2 Q He showed you an email?</p> <p>3 A It was an email or a printed-off sheet. But</p> <p>4 there was a red flag on my name.</p> <p>5 Q And it said FBI terrorist watch list on it?</p> <p>6 A From what I believe, or he told me that this</p> <p>7 is --</p> <p>8 Q What he told you or what you saw?</p> <p>9 A I don't recall.</p> <p>10 Q What did you see?</p> <p>11 A I recall a red flag on my name of Ibrahim</p> <p>12 Hetham Awad.</p> <p>13 Q But you don't recall it saying terrorist FBI</p> <p>14 watch list?</p> <p>15 A I just recall him saying that my name was on</p> <p>16 the FBI terrorist watch list.</p> <p>17 Q Okay. Other than what the car salesman told</p> <p>18 you, do you have any other reason to think that he had</p> <p>19 access to a terrorist watch list?</p> <p>20 A What do you mean?</p> <p>21 Q Do you have any other reason to think he was</p> <p>22 telling you the truth?</p>	<p style="text-align: right;">Page 149</p> <p>1 sheet kind of sideways and pointed out where his name</p> <p>2 would be.</p> <p>3 BY MS. POWELL:</p> <p>4 Q The car dealership incident -- scratch that.</p> <p>5 That's all I have on that, for now.</p> <p>6 Outside of what we have already talked about,</p> <p>7 have you ever been interviewed by the FBI or other law</p> <p>8 enforcement?</p> <p>9 A Yes, I have. It should be somewhere here. The</p> <p>10 FBI came to my home.</p> <p>11 Q In May 2015?</p> <p>12 A Correct.</p> <p>13 Q Did you contact them, or did they contact you?</p> <p>14 A No, they contact -- well, they came. They</p> <p>15 showed up at my doorstep at --</p> <p>16 (Cross-talk)</p> <p>17 BY MS. POWELL:</p> <p>18 Q They didn't call ahead or anything? They just</p> <p>19 showed up?</p> <p>20 A No.</p> <p>21 MS. MASRI: Counsel, I don't know if the last</p> <p>22 response was clear on the record because you're both</p>

<p style="text-align: right;">Page 150</p> <p>1 talking over each other. Can we just double-check?</p> <p>2 BY MS. POWELL:</p> <p>3 Q They did not contact you ahead of time, they</p> <p>4 just showed up; is that correct?</p> <p>5 A They did not contact me beforehand. They just</p> <p>6 showed up.</p> <p>7 Q Okay. And did they come and ring the doorbell</p> <p>8 or knock on the door?</p> <p>9 A Yeah. So, they came and knocked on the door</p> <p>10 at 7:30 in the morning. And obviously, I didn't hear</p> <p>11 it. My brother-in-law actually was dropping off my</p> <p>12 niece at her house because my dad would take her to</p> <p>13 school every morning. And my niece actually woke me</p> <p>14 up. And she said, she was like, "Uncle, there's two</p> <p>15 FBI agents outside."</p> <p>16 And I jumped out of bed, because why is there</p> <p>17 two FBI guys just asking for me? And I went to the</p> <p>18 door, and they asked, "Are you Ibrahim Hetham Awad?"</p> <p>19 And I was like, "Yes. Can I help you?" They were</p> <p>20 like, "Can we please come inside to have a talk?" I</p> <p>21 was like, "No. We could stand out here and talk for as</p> <p>22 long as you want. I have nothing to hide and I have</p>	<p style="text-align: right;">Page 152</p> <p>1 A No. He wrote his name down behind, the other</p> <p>2 side of the card.</p> <p>3 Q Got it. All right. Keep going.</p> <p>4 A So I told them, "I have nothing to hide, I</p> <p>5 have done nothing wrong. We can talk out here for as</p> <p>6 long as you want."</p> <p>7 And, which was kind of embarrassing because my</p> <p>8 neighbors across the street were having work done on</p> <p>9 their house. So they're outside and there's workers</p> <p>10 outside. And they see two blacked-out cars in front of</p> <p>11 the house and two guys in a suit talking to me on the</p> <p>12 porch. It's kind of embarrassing, especially when they</p> <p>13 know this is a Muslim household.</p> <p>14 And even though I haven't talked to them since</p> <p>15 I was going to school with the kid back in middle</p> <p>16 school, I haven't really had much interaction with</p> <p>17 them. So when they see this, "Oh, Muslims live here.</p> <p>18 The FBI is outside. Oh, something is fishy."</p> <p>19 But, so what -- so they came to the house.</p> <p>20 They questioned for me for either an hour and 15</p> <p>21 minutes or an hour and 30 minutes outside. And the</p> <p>22 first question they started off with was, "How was</p>
<p style="text-align: right;">Page 151</p> <p>1 done nothing wrong."</p> <p>2 They're like, "You're sure your neighbors and</p> <p>3 everybody here to know your business?" I was like,</p> <p>4 "Again, I've done nothing wrong and I have nothing to</p> <p>5 hide." There was two blacked-out cars in front of my</p> <p>6 home on the street.</p> <p>7 Q What were the agents' names?</p> <p>8 A One of them was Hank, right here. Josh, I</p> <p>9 don't know how to say that last name, Hauxhurst, and</p> <p>10 Hank Impola.</p> <p>11 Q Did you ask them for their names at the time?</p> <p>12 A I asked for their card.</p> <p>13 Q Their cards. Okay. Do you still have those</p> <p>14 cards?</p> <p>15 A I have -- I remember I took a picture of one</p> <p>16 of the cards. The other agent didn't have a card, he</p> <p>17 said, on him.</p> <p>18 Q And did you -- so one of them gave you a card</p> <p>19 or you took a picture of it. And the other one didn't</p> <p>20 have a card. How did you remember their names?</p> <p>21 A He wrote down his --</p> <p>22 Q You wrote it down?</p>	<p style="text-align: right;">Page 153</p> <p>1 Syria?" And I was taken aback by that because the last</p> <p>2 time I went to Syria was 2000. So I responded back, I</p> <p>3 said, "Back in 2000, Syria was great. I had a great</p> <p>4 time there."</p> <p>5 They were like, "No. How was your recent</p> <p>6 visit to Syria?" I was like, "I've never been to Syria</p> <p>7 recently." They were like, "You didn't go when you</p> <p>8 went to Turkey?" I was like, "No." I was like, "I</p> <p>9 have no purpose or need to go to Syria." I was like,</p> <p>10 "All my family lives here. Or if I have family</p> <p>11 overseas, they live in Dubai and Abu Dhabi."</p> <p>12 And so they questioned me about my Turkey trip</p> <p>13 and what that was all about, and the organization I was</p> <p>14 with, and where they were located. And their office</p> <p>15 was actually down the street in Troy, and I gave them</p> <p>16 the address.</p> <p>17 They asked for all my email addresses, my</p> <p>18 phone number, the school I go to, the car that I own.</p> <p>19 Excuse me. Who I was traveling with. And they kept on</p> <p>20 asking me about Syria and Turkey and my political</p> <p>21 opinion on the Syria issue, whether I was with the</p> <p>22 Assad regime, the Free Syrian Army, ISIS, or neutral.</p>

<p style="text-align: right;">Page 154</p> <p>1 And they kept on asking me if I wanted to join ISIS or 2 if I went to Turkey to join ISIS. And I told them, no, 3 I did not. I went there for this program, and that was 4 strictly it. 5 And they said, "Has anyone from ISIS ever 6 approached you or reached out to you in joining them?" 7 Obviously, that has not happened, and I would never do 8 that. 9 They, every time they'd question me, they were 10 holding a folder. And they'd open it up, and they 11 would say, "On this day, you said this, this, this on 12 social media." Or, "You were in this place in Turkey. 13 Why were you there?" And I answered all the questions 14 that they wanted. 15 And they, again, went back to the whole ISIS 16 issue like, "You never thought about it or tried going 17 there?" And they were like, "If somebody were to 18 approach you about joining, would you join?" I said, 19 "Obviously, no, that everything they do is completely 20 against the religion of Islam. Everything they do is 21 completely wrong. I would never think about that." 22 And they were like, "Would you try going into</p>	<p style="text-align: right;">Page 156</p> <p>1 went there. And that was like a one-day trip. 2 And when they were talking to me, they also 3 asked me if I'd ever thought of being an informant or 4 if I would be an informant for them. And I declined. 5 And the group that they wanted me to inform on was 6 Saudi international students at the University of 7 Michigan, Flint campus, and because U of M Flint has 8 one of the largest Saudi international students within 9 America at the time. 10 Q Did they ask you about any specific students? 11 A They asked me if I had known, I believe it was 12 two or three Saudi students, by name. And I said no, I 13 didn't know them. They said they had traveled to, 14 supposedly, join ISIS. And their friends don't know 15 their whereabouts anymore. And they asked if I had 16 known them or if they are like part of ISIS. I didn't 17 know either. 18 They asked me about other guys like in the 19 Flint area, if I had known them. 20 Q You said they asked you to inform or provide 21 information about Saudi international students. Was 22 that a specific group they wanted to know about, or --</p>
<p style="text-align: right;">Page 155</p> <p>1 Syria?" I said, "Why would I even want to go to Syria? 2 Yeah, my parents are from there. But it's a completely 3 destroyed country and there's issues. And I'm born and 4 raised in America. Like it's my -- it's my home." 5 And they asked about social media posts as far 6 as what I've said. And they were like, "What do you 7 mean by you had a tough summer?" Well, I said, "Well, 8 to start off, my uncle, my aunt, and my grandma all 9 passed away in that summer. And that's why I had a 10 tough summer." 11 And they would close it up and open up the 12 folder again, and they'd say, "Well, let me ask you 13 this." And again, social media posts are, I guess, 14 because of the -- I don't know how they knew where I 15 was in Turkey, but they said, "You were near the border 16 in Turkey. Why were you there?" And I told them, you 17 know, I was teaching Syrian refugees. 18 But I wasn't -- when I taught Syrian refugees, 19 I wasn't near the border. The day that I did go to the 20 border, where they asked me why I was there, I went 21 there because there was a restaurant, a really known, 22 neat place that was in a different city. And so I had</p>	<p style="text-align: right;">Page 157</p> <p>1 MS. MASRI: Objection. Mischaracterized his 2 prior testimony. 3 BY MS. POWELL: 4 Q Well, you explain it to me, please. 5 A So, they wanted me to become -- they asked me 6 if I could become an informant for them to be within 7 the Saudi students. They didn't specify what group. 8 They just said Saudi students. 9 Q Okay. There wasn't like an organization they 10 wanted you to gather information about? 11 A Well, they had their own like Saudi student 12 club. So I don't know if they wanted me to be with 13 them or not. They just said Saudi students. 14 Q Yeah. 15 A But when they said this, I told them that me, 16 as a Muslim, it's my obligation, I would report and 17 would have reported, obviously, anything that would put 18 anybody at harm. I would never allow that to happen. 19 And for me to go into a group and act like somebody 20 that I'm not, to inform on people that may have done 21 nothing wrong, I'm not going to do that. 22 But if I do hear something or if I ever did</p>

<p style="text-align: right;">Page 158</p> <p>1 hear anything, I would report that because that's what 2 I'm supposed to do. First off, as a Muslim; second 3 off, I'm an American. This is my home. And I rejected 4 becoming an informant for them. 5 And they asked like if they would ever call my 6 house, would you know who Hank is? And I was kind of 7 confused by the question. I was like, "Yeah, why?" 8 He's like, "Oh, well, just we're going to call in every 9 so often to check up on you. Or do we have to call in 10 and say, 'This is the FBI, Hank?'" I was like, "No, 11 you don't have to do that." 12 So, the questioning went on for an hour and 13 15, hour and 45 minutes, something like that, about 14 mainly Turkey and Syria and my political opinions on 15 Syria and if I wanted to join ISIS or if I ever snuck 16 into Syria while I was there. 17 And that, in and of itself, two FBI agents 18 coming to your front doorstep and interrogating you at 19 7:30 in the morning in front of your neighbors, it's 20 embarrassing. Like till this very day, my father, my 21 mother, and my brother don't even know that that 22 happened.</p>	<p style="text-align: right;">Page 160</p> <p>1 that they shouldn't stress out over or there's nothing 2 to be stressed out over. 3 And I never shared this with my brother 4 because, throughout like my freshman year of college 5 and senior year of high school, I used to always help 6 out with fundraising as far as raising funds for 7 refugees and Syrian medical fundraisers to provide 8 medical help. 9 And my brother always told me, like, "Don't 10 get too involved in these. I don't want -- I don't 11 want anything to happen to you as far as you being 12 wrongly accused for something that you're not. 13 Obviously, you're just helping out with fundraisers, 14 but people will see, 'Oh, you're Muslim and you're 15 Syrian and helping out these fundraisers.' It might 16 cause like an issue." 17 Q But do you think there was something wrong 18 with the fundraiser? 19 A No, no, nothing wrong with the fundraiser. But 20 he just didn't want me to be labeled as anything that 21 I'm not. Even though the fundraiser, the group is 22 still going on until today and they're very known. You</p>
<p style="text-align: right;">Page 159</p> <p>1 And the reason why they don't know it happened 2 is because I don't want to share it with them. It's 3 something that you don't want your parents to know. 4 It's not just humiliating, but it puts fear into your 5 parents, people that raised you, that your son could be 6 wrongfully accused of something that he didn't do. 7 And it was funny because, ironically, I had a 8 beard. It wasn't this long. My mom told me to shave 9 it. And I was like, "Mom, why do you want me to 10 shave?" She said, "I don't want anybody to wrongfully 11 accuse you of something." 12 Q When was this? 13 A It was the day before the FBI came to my 14 house. But my mom's always been saying this. She's 15 not a fan of beards, either. And so, the day before, I 16 actually shaved my beard. And so when the FBI came 17 out, I didn't have a beard at that time. But it was 18 ironic that my mom's fear of me having a beard would 19 lead to me being interrogated by FBI or me being -- 20 having an eye on me and being watched. 21 And I never shared this with my parents 22 because I didn't want them to stress out over something</p>	<p style="text-align: right;">Page 161</p> <p>1 hear them on national television as far as like SAMS, 2 Syrian American Medical Society. And they're big 3 organizations. 4 Q Yeah. 5 A And the reason why I didn't share this 6 information with him that the FBI came to the house is 7 because he specifically didn't want me to be involved 8 in fundraisers or anything that had to do with Syria at 9 the time because of the whole political issue. 10 Because he didn't want -- even though what I 11 was doing was perfectly legal and perfectly fine, 12 nothing wrong with it, he didn't want anybody to get 13 the wrong opinion of it, which apparently is what's 14 happening or could be happening to cause this issue. I 15 don't know. 16 And this just allows it that our entire 17 family, basically, is being watched because of me. And 18 the reason I just never shared it with my brother and 19 my parents -- like I shared it with my two sisters; I'm 20 very close to them. But they know not to share it with 21 the rest of my family. 22 Q Other than your sisters and your attorney --</p>

Exhibit P

Policy 802



Subject

HANDLING CODES: TERRORIST RESPONSE

Date Published

8 September 2016

Page

1 of 4

By Order of the Police Commissioner

POLICY

Homeland Security. The Baltimore Police Department (BPD), in conjunction with federal, state and local law enforcement agencies, is committed to strategic and preventive measures for the protection of homeland security in the State of Maryland.

DEFINITIONS

Terrorist Screening Center (TSC) — Created to consolidate a terrorist watch list that is automatically linked to the National Crime Information Center (NCIC) and is always accessible. The TSC provides operational support, information and expertise so that law enforcement personnel can respond quickly and act accordingly. When law enforcement personnel conduct an NCIC check on an individual and a positive match is detected, the TSC will return to the requesting agency one of four Handling Codes:

1. **Handling Code 1:** The subject is confirmed to associate with terrorism, and there is a valid, outstanding arrest warrant.
2. **Handling Code 2:** The subject is of an “investigative interest” regarding their association with terrorism.
3. **Handling Code 3:** This individual may have possible ties with terrorism.
4. **Handling Code 4:** The identity provided by this individual may have possible ties with terrorism.

REQUIRED ACTION

Member

1. Whenever an individual is checked through NCIC, and there is a positive match referred to by the Communications Unit as a “10-80” followed by one of the aforementioned numerical Handling Codes, immediately request back-up units. Use extreme caution when approaching and conversing with the individual.

NOTE: Do not alert the individual of the warning. Conduct all matters consistent with the law and BPD policy and procedures.

2. Request a permanent-rank supervisor to respond to all “10-80” incidents.

3. Radio transmissions are to be kept at a minimum regarding all "10-80" incidents. If more discussion is needed, other than information between the Communications Unit and the member, use an alternate/lateral channel.
4. Be aware of the possible presence of, or materials for constructing, explosives, weapons, and weapons of mass destruction (WMD).
5. Complete an Administrative Report, Form 95, to include details of the NCIC check and subsequent actions.
6. Scan and email the Administrative Report and any related documents to HomelandSecurityDivision1@baltimorepolice.org before the end of your tour of duty.

Code 1 Encounters

1. When a 10-80, Code 1 is advised:
 - 1.1. Arrest the subject.
 - 1.2. Isolate the subject from the scene and from other associates.
 - 1.3. Immediately notify the Watch Center, and be guided by their instructions.
 - 1.4. Do not allow the subject to make any telephone calls and do not make any calls on behalf of the subject. Keep portable electronic items such as cellular phones, tablets, and mobile devices away from the subject.
 - 1.5. All other persons associated with the subject will be secured, segregated, and checked through NCIC. Handle all associates as Code 3, unless otherwise directed by the Watch Center or a member of the Homeland Security Division. The disposition of all associates will be determined by the Homeland Security Division.
2. If the subject is in possession of a vehicle:
 - 2.1. Do not move the vehicle.
 - 2.2. Do not retrieve, or allow occupants to retrieve, any property from the vehicle until cleared by the Homeland Security Division.
 - 2.3. Request a bomb detection dog via the K-9 Unit.
 - 2.3.1. If the dog elicits a positive response, immediately notify the Bomb Squad and adhere to Policy 707, *Bomb or Bomb Threat - Call for Service*.
 - 2.3.2. If there is no indication of an explosive device, follow appropriate search/inventory procedures, and hold/release the vehicle according to current policy, unless otherwise directed by the Homeland Security Division.

Code 2 Encounters

1. When a 10-80, Code 2 is advised:
 - 1.1. Detain and isolate the subject from the scene and from other associates.
 - 1.2. Immediately notify the Watch Center and be guided by their instructions.
 - 1.3. Do not allow the subject to make any telephone calls and do not make any calls on behalf of the subject. Keep portable electronic items such as cellular phones, tablets, and mobile devices away from the subject.
 - 1.4. All other persons associated with the subject will be secured, segregated, and checked through NCIC. Handle all associates as Code 3, unless otherwise directed by the Homeland Security Division. The disposition of all associates will be determined by the Homeland Security Division.
2. If the subject is in possession of a vehicle:
 - 2.1. Do not move the vehicle.
 - 2.2. Do not retrieve, or allow occupants to retrieve, any property from the vehicle until cleared by the Homeland Security Division.
 - 2.3. Request a bomb detection dog via the K-9 Unit.
 - 2.3.1. If the dog elicits a positive response, immediately notify the Bomb Squad and adhere to Policy 707, *Bomb or Bomb Threat - Call for Service*.
 - 2.3.2. If there is no indication of an explosive device, follow appropriate search/inventory procedures, and hold/release the vehicle according to current policy, unless otherwise directed by the Homeland Security Division.

Code 3 and Code 4 Encounters

1. When a 10-80, "Code 3" or "Code 4" is advised:
 - 1.1. Do not arrest the individual, unless there is evidence of a violation of federal, state, or local law.
 - 1.2. Contact the Watch Center and be guided by their directions.
 - 1.3. Conduct an on-scene investigation:
 - 1.3.1. Determine if the individual is of law enforcement interest; and/or,
 - 1.3.2. Gain sufficient information to positively identify the individual.

Permanent-Rank Supervisor

Respond to all "10-80" incidents.

Chief, Homeland Security Division

1. Ensure members under your Command provide operational support to members of the BPD.
2. Establish a Unit Standard Operating Procedure (SOP) regarding the "10-80" Handling Code response. Ensure subordinates adhere to the SOP, to include taking command of the scene/investigation when needed and/or when in the best interest of the community, member and BPD.
3. Coordinate cooperative investigations between the Joint Terrorism Task Force (JTTF), the Maryland Coordination and Analysis Center, and any other entities, as needed.

Shift Commander, Communications Unit

1. When a "10-80" response is appropriate, ensure dispatchers communicate the correct information, to include Handling Code, to the field member.
2. Immediately notify the Watch Center on behalf of the field member, and convey all necessary information to the Watch Center and/or Homeland Security Division.

ASSOCIATED POLICIES

Policy 707, *Bomb Or Bomb Threat – Call For Service*
Policy 706, *Hazardous Material Incidents*

RESCISSION

Remove and destroy/recycle General Order H-2, *Handling Codes: Terrorist Response*, dated 11 July 2006.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

Exhibit Q

REDACTED FOR PUBLIC RELEASE



Review of the Terrorist Screening Center

U.S. Department of Justice
Office of the Inspector General
Audit Division

Audit Report 05-27
June 2005

REDACTED FOR PUBLIC RELEASE

REVIEW OF THE TERRORIST SCREENING CENTER*

EXECUTIVE SUMMARY

On September 16, 2003, the President signed Homeland Security Presidential Directive-6 (HSPD-6), requiring the establishment of an organization to “consolidate the Government’s approach to terrorism screening and provide for the appropriate and lawful use of Terrorist Information in screening processes.” Specifically, the Attorney General was directed to create a new organization to consolidate terrorist watch lists and provide 24-hour, 7-day a week operational support for federal, state, local, territorial, tribal, and foreign government as well as private sector screening across the country and around the world.¹ As a result of this presidential directive, the Terrorist Screening Center (TSC) was created. As of the end of fiscal year (FY) 2004, the TSC was a \$27 million organization with approximately 175 staff.

The Office of the Inspector General (OIG) initiated this audit to examine whether the TSC: 1) has implemented a viable strategy for accomplishing its mission; 2) is effectively coordinating with participating agencies; and 3) is appropriately managing terrorist-related information to ensure that a complete, accurate, and current consolidated watch list is developed and maintained.²

Identifying the Need for a Screening Agency

Prior to the establishment of the TSC, the federal government relied on information from numerous separate watch lists maintained at a variety of federal agencies to prevent terrorists from obtaining visas or entering the United States illegally, and to track suspected terrorists within U.S. borders.

*** The full version of this audit report includes a limited amount of information that the Federal Bureau of Investigation (FBI) considered to be law enforcement sensitive and therefore could not be publicly released. To create this public version of the report, the OIG redacted (deleted) the portions of the full report that were considered sensitive by the FBI, and we indicated where those redactions were made.**

¹ “Screening” refers to a process that may include, but is not limited to, government officials searching for available information on an individual in various databases. For example, a person may go through a screening process when: 1) applying for a visa, 2) attempting to enter the United States through a port of entry, 3) being stopped by a local law enforcement officer for a traffic violation, or 4) attempting to travel internationally on a commercial airline.

² Appendix I contains detailed information on the audit’s objectives, scope, and methodology.

In 2002, the President and Congress recognized this fragmentation and called for the consolidation of terrorist information to unify the government's counterterrorism efforts.

In July 2002, the President issued the National Strategy for Homeland Security, which created a "comprehensive plan for using America's talents and resources to enhance our protection and reduce our vulnerability to terrorist attacks."³ One aspect of the President's strategy was for the FBI to create a consolidated terrorism watch list that would serve as a central point for information about individuals of investigative interest. This list was seen as an answer to the uncoordinated and ad hoc approach that the U.S. government was then pursuing.

In addition, the 9/11 Congressional Joint Inquiry Committee reported in December 2002 that the U.S. government was not adequately collecting and integrating terrorism-related information from all domestic and foreign sources. As a result, the Joint Inquiry also recommended the creation of a national watch list center to facilitate the appropriate collection, declassification, and sharing of information on known or suspected terrorists.

In April 2003, the Government Accountability Office (GAO) issued a report identifying 12 separate watch lists used for various purposes.⁴ The following table lists the systems identified by the GAO.

³ Office of Homeland Security, National Strategy for Homeland Security (July 2002).

⁴ *Information Technology: Terrorist Watch Lists Should Be Consolidated to Promote Better Integration and Sharing*, Government Accountability Office (GAO-03-322, April 2003).

TERRORIST-RELATED WATCH LISTS IDENTIFIED BY THE GOVERNMENT ACCOUNTABILITY OFFICE IN APRIL 2003⁵		
Description		Agency
1	TIPOFF System	Department of State (DOS)
2	Violent Gang and Terrorist Organizations File (VGTOF)	FBI
3	Interagency Border Inspection System (IBIS)	Department of Homeland Security (DHS)
4	National Automated Immigration Lookout System (NAIIS)	DHS
5	Consular Lookout and Support System (CLASS)	DOS
6	No-Fly List	DHS
7	Selectee List	DHS
8	Integrated Automated Fingerprint Identification System (IAFIS)	FBI
9	Automated Biometrics Identification System (IDENT)	DHS
10	Warrant Information Network	U.S. Marshals Service
11	Top Ten Fugitives	Department of Defense, U.S. Air Force
12	Interpol Terrorism Watch List	Department of Justice (DOJ)
Source: GAO Report Number GAO-03-322		

Establishing the TSC

In a September 2003 news release announcing the signing of HSPD-6 and the creation of the TSC, the White House directed that the organization to consolidate watch lists should begin operations by December 1, 2003. Following the issuance of HSPD-6, the Attorney General, the Secretary of Homeland Security, the Secretary of State, and the Director of Central Intelligence signed a Memorandum of Understanding (MOU) entitled "Integration and Use of Screening Information to Protect Against Terrorism." The MOU, dated September 16, 2003, designated the FBI as the lead agency responsible for administering the TSC.

The MOU provided details related to the watch list consolidation effort, including the data that should be included and the cooperation required from the participating agencies. The MOU and HSPD-6 also mandated that federal agencies continually provide the FBI with domestic terrorism information, defined as information about U.S. persons with no connection to foreign intelligence, counterintelligence, or international terrorism. In addition, the agencies were required to provide, on an ongoing basis, the Terrorist Threat Integration Center (TTIC) with all other terrorist information in their custody or control. In turn, the FBI and TTIC were to provide domestic and international

⁵ A complete listing of the acronyms used in this report is found in Appendix II.

terrorist information to the TSC for consolidation.⁶ The goal was to create a unified, *unclassified* terrorist watch list, not to replace existing watch lists. Federal agencies were expected to continue gathering and developing terrorist information and to maintain separate systems to fulfill their distinctive missions.

Standing-up the TSC

In October 2003, the Attorney General appointed the Director of the TSC, and within one month two deputy directors were brought on board. An additional deputy director arrived in December 2003. TSC management initially developed working groups with participating agencies to establish an initial planning document detailing how the new organization would function. Also, the TSC designed a process flow chart to illustrate how terrorist information should be received, shared, and ultimately consolidated into an unclassified database.

The TSC's initial planning document stated that personnel detailed from the DOJ, DOS, DHS, and other agencies would make up the staff at the TSC. These individuals would represent their respective Departments while supporting the functions of the TSC and reporting to the TSC Director.

Initial Operating Capability

In accordance with the President's mandate, the TSC began operating on December 1, 2003, as the primary point of contact for screening individuals with ties to terrorism. The TSC's initial capabilities were limited, and its primary operations consisted of maintaining a 24-hour, 7-day-a-week call center staffed with personnel temporarily assigned to the TSC from agencies such as the FBI and the DHS.⁷ Although TSC staff had begun developing the first consolidated watch list, it was not ready to be used for screening purposes by December 1. Instead, the TSC's protocol was to separately query a variety of existing agency watch listing systems, including: 1) Transportation Security Administration's No Fly and Selectee lists; 2) TIPOFF; 3) the FBI's National Crime Information Center (NCIC), namely the Violent Gang and Terrorist Organizations File (VGTOF); and 4) the Treasury Enforcement Communications

⁶ The Terrorist Threat Integration Center was established on May 1, 2003, to develop comprehensive threat assessments through the integration and analysis of terrorist information collected domestically and abroad by the U.S. government. On August 27, 2004, the President signed an Executive Order establishing the National Counterterrorism Center (NCTC), to which all functions and activities of the TTIC were transferred. Regardless of the time period being discussed, all future references to this organization in our report will use the acronym NCTC.

⁷ Throughout this report, we refer to this operation as the "call" center. However, inquiries related to some activities, such as visa applications processed through the State Department, are handled through various modes of communication.

System (TECS), which includes the Interagency Border Inspection System (IBIS) and the National Automated Immigration Lookout System (NAILS).

The Consolidated Watch List

A major challenge for the TSC was to integrate different types of information in varying formats from agencies' existing systems into a comprehensive index of watch listed individuals. The new system would ultimately need to provide real-time connectivity to users and be able to incorporate evolving technology, such as advanced name-search capability and biometric data.

To meet this goal, TSC officials and partner agency members formed a working group to define existing database structures and determine the basic functionality and future uses of the planned consolidated database. As a result of the identification of several barriers to the timely implementation of the consolidated database (such as differences in legacy systems and a shortage of qualified employees or contractors), the TSC divided the creation of the consolidated database, which was named the Terrorist Screening Database (TSDB), into three phases: 1) TSDB 1A, 2) TSDB 1B, and 3) Advent TSDB.

TSDB 1A

The TSDB 1A database, which became operational on March 12, 2004, and was discontinued on April 1, 2005, was created using proprietary software owned by a contractor. According to TSC officials, they chose this approach in an effort to consolidate the information in the most expedient way possible. The TSDB 1A was populated with data received directly from the individual supporting agencies' watch list systems. According to TSC officials, they recognized that this consolidation effort caused some names that appeared on multiple watch lists to be present in the database many times.

This database was manually updated on a daily basis using diskettes of new or revised information from participating agencies. While operating, the entire TSDB 1A database was overwritten each day when the new data file was loaded. Given the design of the TSDB 1A database, this overwriting was the only method to update the terrorist-related information. However, this process eliminated the ability to retrieve historical data from the system. In addition, the TSDB 1A could not automatically export data to the participating agencies. Rather, TSC staff was required to send manual update files to participating agencies using diskettes.

TSDB 1B

The TSDB 1B came on-line in June 2004 in a parallel environment with the 1A database.⁸ In this second phase of developing the consolidated database, the TSC sought to improve connectivity between the TSDB and other databases. In creating TSDB 1B, the TSC obtained batches of records primarily from the FBI and NCTC.

On April 1, 2005, the TSC stopped using TSDB 1A, and the 1B database became the single consolidated watch list. In contrast to the TSDB 1A, the 1B database can communicate with the participating agencies' systems and provides for the electronic exchange of data. As a result, since its creation, the TSDB 1B system has been used to export records to the databases of the various participating agencies. In addition, unlike the 1A database, the TSDB 1B is updated only with additions, deletions, and modifications to the existing records in the database, and therefore the system retains a history of all changes made.

Advent TSDB and the Future of the Consolidated Database

In the next phase of its development of the consolidated database, Advent TSDB, the TSC plans to establish automatic, real-time connectivity with participating agency databases. However, most of the supporting agency database systems cannot currently accommodate this type of connection and will need to upgrade their systems. While the TSC expects that it will take years to fully implement this plan, the first segment (real-time connectivity with the FBI's NCIC) is planned for completion in FY 2005.

Also, in FY 2005 the TSC expects to receive biometric data from NCTC and export that data to NCIC. This process is not expected to be fully mature for some time and, in its initial phase, will allow for only text fields to be shared. TSC officials stated that graphic files, such as a picture of biometric data, can be made available in the TSDB 1B system, but this information would not be searchable. TSC officials said development of a plan to incorporate data into the TSDB database in this way is expected to be complete by spring 2005.

Evolution of IT Management

While the TSDB is constantly evolving, we found that the TSC's management of its information technology (IT), a critical part of the terrorist

⁸ Despite the TSDB 1B coming online, TSC officials had concerns about the completeness of the records in the TSDB 1B and decided to run the TSDB 1A and 1B in parallel until these concerns could be fully addressed. Our review did reveal significant differences in the number of records between TSDB 1A and 1B. This is discussed further in the report in Chapter 7.

screening process, has been deficient. From its inception, the TSC's IT Branch – staffed with numerous contractors – did not have strong, effective, and focused leadership over the agency's IT functions. In addition, the TSC has experienced significant difficulty in hiring qualified staff with adequate security clearances to perform IT functions.

The TSC did not establish a formal technical advisory group until June 2004 and in August 2004 hired its first Chief Information Officer (CIO). Unfortunately, many major IT decisions had been made prior to this time, such as the creation and implementation of TSDB 1A and 1B and various support systems, as well as the establishment of controls and standards for operating and administering these systems. The TSC CIO acknowledged that the TSC has been operating in an immature IT environment since its inception. He told us that the need to expeditiously create a consolidated database hindered systems planning. He further stated that the IT Branch was understaffed and had not been sufficiently focused on establishing controls to ensure data integrity.

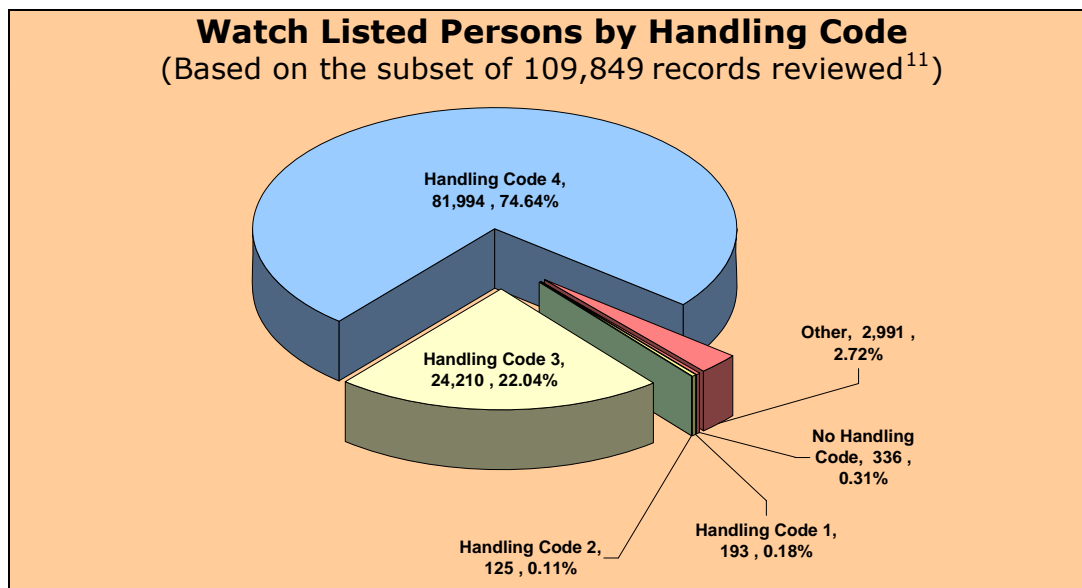
Content of the Consolidated Watch List

Each record within the consolidated watch list is designed to contain information about the law enforcement action to be taken when encountering an individual on the watch list, which provides insight into the level of threat posed by that individual. This information is conveyed through a "handling code" that provides law enforcement personnel with instructions on what to do when a suspected terrorist is encountered. These handling codes are defined as follows:

HANDLING CODE DEFINITIONS
<p>[SENSITIVE INFORMATION REDACTED]</p>
Source: The Terrorist Screening Center

To gain a general understanding of the distribution of individuals on the watch list, we reviewed a sample of 109,849 records in the TSDB 1B database and found that the vast majority of watch listed individuals were included in

the two lowest categories.⁹ As depicted in the following graph, approximately 75 percent of the records we reviewed were categorized at handling code 4 (the lowest handling code), and 22 percent were categorized at the second to lowest level, handling code 3.¹⁰ Only 318 records of the 109,849 records in the watch list subset that we reviewed were categorized at the two highest levels, handling codes 1 and 2. This means that the records for the overwhelming majority of watch listed individuals indicated that encounters with these persons required the lowest levels of law enforcement response and that these individuals [SENSITIVE INFORMATION REDACTED].



Source: TSC Management

We asked the TSC Director about the content of the TSC's consolidated watch list. She informed us that, to err on the side of caution, individuals with any degree of a terrorism nexus were included on the consolidated watch list, as long as minimum criteria was met (i.e., the person's name was

⁹ Our sample consisted of all records in the TSDB 1B database that were eligible for sharing with the FBI's VGTOF as of October 7, 2004. The VGTOF system is queried by most federal, state, and local law enforcement officers because it is part of the National Crime Information Center (NCIC). This universe of 109,849 records represented 53 percent of the total of 207,553 records in the TSDB 1B. We selected these records for review in consultation with TSC IT staff.

¹⁰ Records for individuals categorized as a handling code 4 often do not have enough identifying information to categorize the individual at a higher handling code. In addition, individuals at a handling code 4 level could be associates of a suspected terrorist and therefore may not pose a direct terrorist threat.

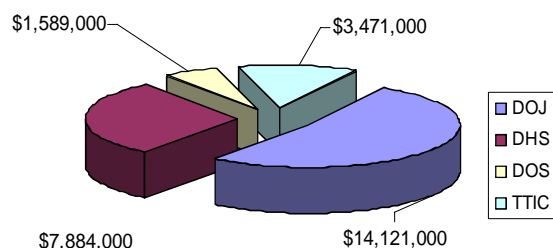
¹¹ The "Other" handling codes refer to one record in the subset of 109,849 records that was transferred to the TSDB 1B from the TIPOFF database with a non-existent handling code (handling code 5). The TSC informed us that this record has been corrected. The remaining 2,990 records [SENSITIVE INFORMATION REDACTED].

partially known plus one other piece of identifying information, such as the date of birth). The Director further explained that one of the benefits of watch listing individuals who pose a lower threat was that their movement could be monitored through the screening process and thereby provide useful intelligence information to counterterrorism investigators. In addition, she stated that lower-threat level individuals can have associations with higher-threat level terrorists, and watch listing lower-threat individuals may lead to uncovering the location of other watch list individuals.

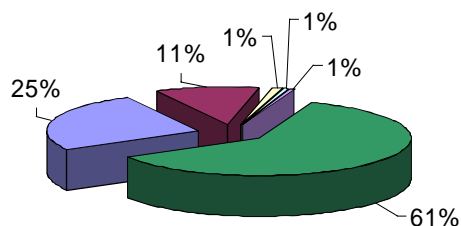
TSC Operations

The TSC's FY 2004 budget consisted of contributions totaling about \$27 million from four participating agencies. As of November 2004, the TSC had 177 staff members, which included permanent and detailed personnel. Also, as detailed in the following staffing chart, contract personnel made up 61 percent of the total TSC staffing.

FY 2004 TSC Funding Allotments by Department



TSC Staffing Level by Agency as of November 9, 2004



■ DOJ/FBI ■ DHS ■ DOS ■ TTIC

■ DOJ/FBI ■ DHS ■ DOS ■ DOD ■ USPS ■ Contractors

Source: FBI Budget Formulation Office and the TSC Administrative Unit

In FY 2005, the TSC's budget of \$29 million was incorporated into the FBI's overall appropriation. This eliminated the need to transfer funds between agencies.

The TSC Call Center

The basic tasks performed by call center staff — fielding inquiries, researching terrorist information, and facilitating the identification and apprehension of terrorists — remain the same as the functions performed at the point of the TSC's initial operating capability on December 1, 2003. However, the creation of the consolidated watch list has allowed the call center staff to begin its research with a single database — the TSDB.

the TSC's databases and manual processes. Such audit trails and controls are important because our review of the current TSC databases found little tracking and retention of historical transactions within the databases, as well as a shortage of human access controls.⁴⁰

Content of the Consolidated Watch List

Each record within the consolidated watch list is designed to contain information about the law enforcement action to be taken when encountering an individual on the watch list. This information is conveyed through a "handling code," which provides insight into the level of threat posed by that individual. Generally, handling codes are expressed on a scale of 1 through 4. These handling codes are described in the following exhibit.

⁴⁰ More details on our review of the accuracy and completeness of the database are provided in Chapter 7 of this report.

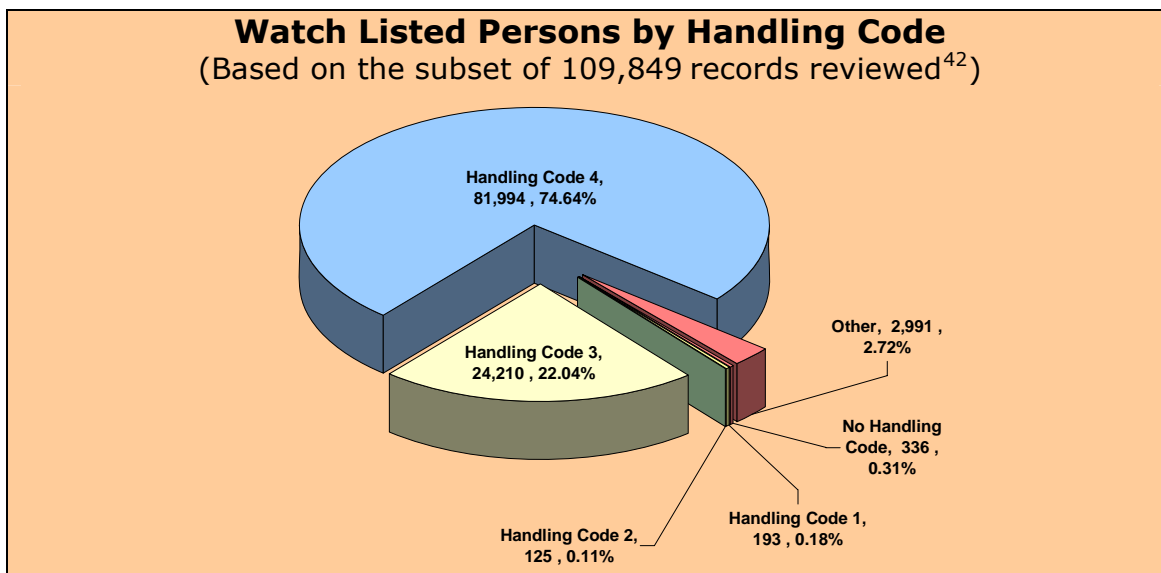
FBI Handling Codes
<p>[SENSITIVE INFORMATION REDACTED]</p>

Source: TSC Management

We reviewed a subset of the records in the TSDB 1B to gain an understanding of the characteristics of the individuals on the consolidated watch list. Our review of these records revealed that, as of October 7, 2004, the bulk of the records in the TSDB 1B were designated in handling codes 3 and 4.⁴¹ Specifically, 22 percent of the individuals in our sample were categorized by the FBI as handling code 3. In addition, 75 percent of the

⁴¹ Our sample consisted of the universe of records in the TSDB 1B that were identified for export to the VGTOF database as of October 7, 2004. This universe of 109,849 records represented 53 percent of the 207,553 total records in the TSDB 1B. We selected these records for review in consultation with TSC IT staff.

records in our sample had a handling code 4, the category requiring the lowest possible law enforcement response. Handling codes 1 and 2 were assigned to 193 and 125 records, respectively. Therefore, a total of only 318 records in our sample of 109,849 records were identified at the highest levels. The following chart provides a breakdown of handling codes applied to the subset of TSDB 1B records that we reviewed.



Source: TSC Management

As shown in the preceding chart, we also identified 336 records for which no handling code was assigned. This issue is related to the accuracy and completeness of individual records and is discussed in Chapter 7.

We asked the Director of the TSC about the types of individuals included in the TSC's consolidated watch list. She informed us that, to err on the side of caution, individuals with any degree of a terrorism nexus were included in the TSDB, as long as minimum criteria was met (at least part of the person's name was known plus one other identifying piece of information, such as date of birth). The Director further explained that one of the benefits of watch listing individuals who pose a lower threat was that their movement could be monitored through the screening process and this could provide useful intelligence information to investigators. In addition, she stated that watch listing lower-threat individuals that have associations with higher-threat level terrorists may lead to uncovering the location of higher watch listed individuals.

⁴² The "Other" handling codes refer to one record that was transferred to the TSDB 1B from the TIPOFF database with the non-existent handling code 5. The TSC informed us that this record has been corrected. The remaining 2,990 records [SENSITIVE INFORMATION REDACTED].

Conclusion

At this early stage in the TSC's existence, the creation and operation of a single database housing consolidated terrorist information was the most important aspect of its mission. From the outset, TSC management was aware of the obstacles of fully integrating data from myriad, disparate sources as well as the necessity of blending multiple agency processes and data definitions. In response to these challenges, they focused on establishing the best possible database as quickly as possible.

TSC management recognized and we observed weaknesses in the TSC's efforts to accomplish this endeavor, including limitations related to name-search capabilities, availability of historical information, and the use of audit trails within the TSDB databases. However, the TSC successfully integrated different types of information in varying formats from the existing systems into a comprehensive index of watch listed individuals.

Despite providing a consolidated watch list in a compressed timeframe, we identified significant weaknesses related to IT management and planning. The TSC is working to improve its IT management and create a system that facilitates complete real-time connectivity to the end users and includes advanced name-search capability and searchable biometric data.

Recommendations

We recommend that the TSC:

- 1) Develop a formal IT plan for maturation of the IT environment at the TSC to address: a) IT staffing needs; b) controls to ensure data integrity; c) adequate oversight over IT contracts and contractors, and d) future improvements in the areas of TSDB connectivity, name-search capabilities, acceptance of biometric data, as well as other IT planning issues.
- 2) Enhance the TSDB to add audit trails to track activity within the database, including historical data and detailed transactions by user, as well as to include enhanced human access controls.

Exhibit R

Conducted on December 20, 2017

<p style="text-align: right;">1</p> <p>1 VIRGINIA:</p> <p>2 DISTRICT COURT FOR THE EASTERN DISTRICT OF</p> <p>3 VIRGINIA</p> <p>4 - - - - - x</p> <p>5 ANAS EL HADY, ET AL., :</p> <p>6 Plaintiffs, :</p> <p>7 v. : Civil Action No.</p> <p>8 CHARLES KABLE, ET : 16-CV-375 (E.D. Va)</p> <p>9 AL., :</p> <p>10 Defendants. :</p> <p>11 - - - - - x</p> <p>12</p> <p>13 Deposition of DEBORAH MOORE</p> <p>14 Arlington, Virginia</p> <p>15 Wednesday, December 20, 2017</p> <p>16 9:30 a.m.</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Job No.: 171201</p> <p>21 Pages: 1 - 309</p> <p>22 Reported By: Tasiana T. Basdekis, RPR</p>	<p style="text-align: right;">3</p> <p>1 A P P E A R A N C E S</p> <p>2 ON BEHALF OF THE PLAINTIFF, EL HADY:</p> <p>3 GADEIR ABBAS, ESQUIRE</p> <p>4 LENA MASRI, ESQUIRE</p> <p>5 COUNCEIL ON AMERICAN-ISLAMIC RELATIONS</p> <p>6 453 New Jersey Avenue SE</p> <p>7 Washington, District of Columbia 20003</p> <p>8 (202) 742-6423</p> <p>9</p> <p>10 ON BEHALF OF THE DEFENDANT, KABLE:</p> <p>11 AMY E. POWELL, ESQUIRE</p> <p>12 U.S. DEPARTMENT OF JUSTICE</p> <p>13 310 New Bern Avenue</p> <p>14 Federal Building Suite 800</p> <p>15 Raleigh, North Carolina 27601</p> <p>16 (202) 514-9836</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">2</p> <p>1 Deposition of DEBORAH MOORE, held at the</p> <p>2 offices of:</p> <p>3</p> <p>4</p> <p>5 TSA HEADQUARTERS</p> <p>6 East Tower</p> <p>7 601 12th Street South</p> <p>8 Arlington, Virginia 20598</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 Pursuant to notice, before Tasiana T. Basdekis,</p> <p>14 RPR, Notary Public in and for the Commonwealth of</p> <p>15 Virginia.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">4</p> <p>1 A P P E A R A N C E S C O N T I N U E D</p> <p>2</p> <p>3 JENNIFER GREENBAND, ESQUIRE</p> <p>4 KEVIN HOULIHAN, ESQUIRE</p> <p>5 U.S. DEPARTMENT OF JUSTICE</p> <p>6 601 12th Street South</p> <p>7 Arlington, Virginia 20598</p> <p>8</p> <p>9 JAYME KANTOR, ESQUIRE</p> <p>10 YEORA PARK, ESQUIRE</p> <p>11 U.S. DEPARTMENT OF JUSTICE</p> <p>12 935 Pennsylvania Ave. NW</p> <p>13 Suite 10140</p> <p>14 Washington, District of Columbia 20535</p> <p>15 (202) 324-7194</p> <p>16</p> <p>17 ALSO PRESENT:</p> <p>18 DEBBY CAVAZOS, Videographer</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

Conducted on December 20, 2017

<p style="text-align: center;">5</p> <p style="text-align: center;">C O N T E N T S</p> <p>EXAMINATION OF DEBORAH MOORE</p> <p>By Mr. Abbas</p> <p style="text-align: right;">PAGE</p> <p style="text-align: right;">6</p> <p style="text-align: center;">E X H I B I T S</p> <p style="text-align: center;">(Attached)</p> <p>PLAINTIFF'S FOR IDENTIFICATION</p> <p style="text-align: right;">PAGE</p> <p>1 DHS TRIP Statistics 91</p> <p>2 DHS TRIP Correspondence to Murat Frijuckic 282</p> <p>3 DHS TRIP Correspondence to Yaseen Kadura Date 5/8/2013 290</p> <p>4 DHS TRIP Correspondence to Yaseen Kadura Date 9/4/2015 300</p> <p>5 One Page of a DHS TRIP Close Out Letter 304</p>	<p style="text-align: center;">7</p> <p>1 Depos.</p> <p>2 Would the reporter please swear in the</p> <p>3 witness?</p> <p>4 Whereupon,</p> <p>5 DEBORAH MOORE,</p> <p>6 being first duly sworn or affirmed to testify to</p> <p>7 the truth, the whole truth, and nothing but the</p> <p>8 truth, was examined and testified as follows:</p> <p>9 EXAMINATION</p> <p>10 BY MR. ABBAS:</p> <p>11 Q Dr. Moore -- is that correct?</p> <p>12 A Yes.</p> <p>13 Q Have you ever had your deposition taken</p> <p>14 before?</p> <p>15 A No.</p> <p>16 Q Okay. I'm going -- I'm sure your</p> <p>17 attorneys have explained how this works, but I'm</p> <p>18 going to, for the record.</p> <p>19 I'll be asking you questions, and you'll</p> <p>20 be answering them, unless your attorney instructs</p> <p>21 you not to answer them.</p> <p>22 Because Alaina [sic] is typing every word</p>
<p style="text-align: center;">6</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>THE VIDEOGRAPHER: Here begins tape number</p> <p>one in the videotaped deposition of Deborah Moore</p> <p>in the matter of Anas El Hady, et al., v. Charles</p> <p>Cable [sic], et al., in the District Court for the</p> <p>Eastern District of Virginia, Case No. 16-CV-375</p> <p>(E.D. Va).</p> <p>Today's date is December 20th, 2017. The</p> <p>time on the video monitor is 9:48. The</p> <p>videographer for today is Debbie Cavazos,</p> <p>representing Planet Depos.</p> <p>This video deposition is taking place at</p> <p>601 South 12th Street, Arlington, Virginia, 20598.</p> <p>Could counsel please voice-identify</p> <p>themselves and state whom they represent?</p> <p>MR. ABBAS: This is Gadeir Abbas appearing</p> <p>for the Plaintiffs. I'll be taking the</p> <p>deposition.</p> <p>MS. POWELL: Amy Powell of the Department</p> <p>of Justice, for the Defendants.</p> <p>THE VIDEOGRAPHER: The court reporter</p> <p>today is Tasiana Basdekis, representing Planet</p>	<p style="text-align: center;">8</p> <p>1 that you say, that I say, that anybody in this</p> <p>2 room says, it's really important for you to allow</p> <p>3 my question to finish before you answer the</p> <p>4 question, even if you know what I'm going to</p> <p>5 answer [sic], and I'll do the same.</p> <p>6 Even if I know what you're going to say,</p> <p>7 I'm going to wait for you to finish before</p> <p>8 answering [sic] another question -- before asking</p> <p>9 another question. And that's just to make</p> <p>10 Alaina's [sic] job easier.</p> <p>11 Is there any reason why I shouldn't take</p> <p>12 your deposition today? Are you on any medication</p> <p>13 that affects your ability to provide answers to</p> <p>14 questions that I'll ask you?</p> <p>15 A No.</p> <p>16 Q Okay. Are you -- is there any other</p> <p>17 condition that would prevent you from answering</p> <p>18 accurately and truthfully to the questions that</p> <p>19 I'll ask you?</p> <p>20 A No.</p> <p>21 Q At any point in time today, if you'd like</p> <p>22 a break, so long as a question isn't pending, just</p>

Conducted on December 20, 2017

<p style="text-align: right;">205</p> <p>1 (Whereupon the record was read.)</p> <p>2 MS. POWELL: Same objection. She's</p> <p>3 answered.</p> <p>4 THE WITNESS: I've answered.</p> <p>5 BY MR. ABBAS:</p> <p>6 Q What's the answer to that question?</p> <p>7 A That I don't know.</p> <p>8 Q Okay. Great.</p> <p>9 Of the recommendations that TSC made in</p> <p>10 2017, how many recommendations were made to remove</p> <p>11 a person from the No Fly List?</p> <p>12 MS. POWELL: Objection. Calls for</p> <p>13 privileged information. I'm going to direct the</p> <p>14 witness not to answer.</p> <p>15 MR. ABBAS: What's the privilege?</p> <p>16 MS. POWELL: Deliberative process,</p> <p>17 potentially SSI, and law enforcement privilege.</p> <p>18 MR. ABBAS: So is the deliberative process</p> <p>19 privilege, is it your position that the</p> <p>20 recommendation that TSC makes are privileged?</p> <p>21 MS. POWELL: They certainly can -- well,</p> <p>22 certainly the recommendations themselves are, yes.</p>	<p style="text-align: right;">207</p> <p>1 recommendations to remove a person from the No Fly</p> <p>2 List?</p> <p>3 MS. POWELL: And I'm instructing the</p> <p>4 witness not to answer on the grounds of</p> <p>5 privileges.</p> <p>6 MR. ABBAS: What privileges?</p> <p>7 MS. POWELL: SSI, law enforcement</p> <p>8 privilege, and the deliberative process privilege.</p> <p>9 MR. ABBAS: So you're using SSI privilege</p> <p>10 to cover a Terrorist Screening Center</p> <p>11 recommendation?</p> <p>12 MS. POWELL: In context.</p> <p>13 MR. ABBAS: I don't think that SSI applies</p> <p>14 to Terrorist Screening Center.</p> <p>15 MS. POWELL: SSI is a category of</p> <p>16 information that is --</p> <p>17 MR. ABBAS: That's TSA-specific. So --</p> <p>18 that's fine.</p> <p>19 Q Has the -- have you ever -- do you --</p> <p>20 does -- has the TSA administrator ever not</p> <p>21 followed TSC's recommendation with regards to a</p> <p>22 person on the No Fly List's DHS TRIP complaint?</p>
<p style="text-align: right;">206</p> <p>1 But --</p> <p>2 MR. ABBAS: And even --</p> <p>3 MS. POWELL: -- certain --</p> <p>4 MR. ABBAS: Go ahead.</p> <p>5 MS. POWELL: Particularly given the</p> <p>6 numbers we're talking about here, giving numbers</p> <p>7 of those denied would give substantial</p> <p>8 information.</p> <p>9 MR. ABBAS: In what manner would they give</p> <p>10 substantial information?</p> <p>11 MS. POWELL: We can talk about this later.</p> <p>12 I'm instructing the witness not to answer.</p> <p>13 MR. ABBAS: That's fine. I'm just trying</p> <p>14 to hash this out now so we don't have to bring</p> <p>15 Dr. Moore back.</p> <p>16 MS. POWELL: We are asserting privilege</p> <p>17 over that number.</p> <p>18 MR. ABBAS: All right. So I'm going to</p> <p>19 ask it again, just to make sure that we have all</p> <p>20 the privileges that you're asserting.</p> <p>21 Q Of the recommendations that Terrorist</p> <p>22 Screening Center has made in 2017, how many were</p>	<p style="text-align: right;">208</p> <p>1 MS. POWELL: Same objections and same</p> <p>2 instruction, I think.</p> <p>3 MR. ABBAS: What is the privilege that</p> <p>4 you're asserting over whether the TSA</p> <p>5 administrator has followed the recommendations of</p> <p>6 Terrorist Screening Center?</p> <p>7 MS. POWELL: Well, certainly the</p> <p>8 deliberative process privilege, but potentially</p> <p>9 covers SSI and law enforcement-privileged</p> <p>10 information as well, at least in conjunction with</p> <p>11 other publicly-available information.</p> <p>12 BY MR. ABBAS:</p> <p>13 Q Did -- are you aware of the TSA</p> <p>14 administrator making any determinations regarding</p> <p>15 a U.S. person's status on the No Fly List in 2016?</p> <p>16 A I don't think so.</p> <p>17 Q So in 2016 and 2017, you don't believe</p> <p>18 that the TSA administrator has made any</p> <p>19 determinations regarding a U.S. person's DHS TRIP</p> <p>20 complaint regarding the No Fly List?</p> <p>21 A That's correct.</p> <p>22 Q I mean -- okay.</p>

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<p style="text-align: right;">209</p> <p>1 Why? Why is it that in the last two</p> <p>2 years, the TSA administrator has not made any</p> <p>3 determinations regarding a U.S. person's DHS TRIP</p> <p>4 complaint regarding the No Fly List?</p> <p>5 MS. POWELL: Objection. Asked and</p> <p>6 answered. And also, I'm going to instruct the</p> <p>7 witness, in part, not to answer as to any ongoing</p> <p>8 deliberative processes or specific opinions,</p> <p>9 advice, or recommendations.</p> <p>10 To the extent you can answer generally, as</p> <p>11 you did previously to this same question, you may</p> <p>12 give that answer again.</p> <p>13 THE WITNESS: I would refer back to my</p> <p>14 previous answer.</p> <p>15 BY MR. ABBAS:</p> <p>16 Q What is your previous answer? What -- I'm</p> <p>17 sorry. What previous answer are you referring</p> <p>18 back to?</p> <p>19 A The response I gave regarding as to why</p> <p>20 the administrator hasn't made a decision during</p> <p>21 that time period about a U.S. person on the No Fly</p> <p>22 List.</p>	<p style="text-align: right;">211</p> <p>1 remember asking it with regards to 2016/2017. I</p> <p>2 apologize if I have asked it previously.</p> <p>3 Why is it that the administrator has not</p> <p>4 made a decision with regards to a U.S. person on</p> <p>5 the No Fly List's DHS TRIP complaint in 2016 and</p> <p>6 2017?</p> <p>7 MS. POWELL: Same objection and</p> <p>8 instruction, but your answer's yours.</p> <p>9 THE WITNESS: The administrator has not</p> <p>10 had the opportunity, during that time period, to</p> <p>11 make a decision. Generally, because the</p> <p>12 process -- this is a complex process that involves</p> <p>13 working with multiple agencies, and as we work out</p> <p>14 its implementation, it has taken longer than we</p> <p>15 might have wanted it to take.</p> <p>16 Q Is there, in your RMS -- what does the RMS</p> <p>17 stand for again?</p> <p>18 A Redress Management System.</p> <p>19 Q In the Redress Management System, is there</p> <p>20 a way to notate DHS TRIP complaints submitted by</p> <p>21 persons that have filed lawsuits against the</p> <p>22 Federal Government?</p>
<p style="text-align: right;">210</p> <p>1 Q And I don't know what that answer -- what</p> <p>2 is that answer?</p> <p>3 MS. POWELL: It's on the record.</p> <p>4 MR. ABBAS: I'm asking her again. Asked</p> <p>5 and answered is not a basis -- I don't -- I</p> <p>6 actually don't honestly remember what her answer</p> <p>7 is, so I'm wondering what her answer -- I don't</p> <p>8 remember asking this specific question about 2016</p> <p>9 and 2017, so I'm not trying to be difficult.</p> <p>10 MS. POWELL: I'm not instructing her not</p> <p>11 to answer.</p> <p>12 MR. ABBAS: Okay.</p> <p>13 MS. POWELL: I am preserving the</p> <p>14 objection. You don't get to keep asking in order</p> <p>15 to get a different answer. So I think her second</p> <p>16 answer was proper, too, which is what she just</p> <p>17 said.</p> <p>18 MR. ABBAS: Sure.</p> <p>19 Q So I'm going to ask you again, and if it's</p> <p>20 an answer you've already given, just -- I'm asking</p> <p>21 for the same answer. You know, I'm not asking you</p> <p>22 for a different answer, just -- but I don't</p>	<p style="text-align: right;">212</p> <p>1 A No. Not specifically by persons who have</p> <p>2 filed any federal lawsuit. If we are aware of</p> <p>3 someone who has legal representation, we have</p> <p>4 that, per the submission of the 590.</p> <p>5 If someone is -- I believe if someone is</p> <p>6 in ongoing litigation, we can notate that.</p> <p>7 Q Is it DHS TRIP's practice to notate which</p> <p>8 DHS TRIP complainants are engaged in litigation</p> <p>9 against the Federal Government regarding their</p> <p>10 Watchlist status?</p> <p>11 MS. POWELL: Objection. Vague.</p> <p>12 THE WITNESS: Not specifically regarding</p> <p>13 their Watchlist status, no.</p> <p>14 Q Is it DHS TRIP's practice to notate in its</p> <p>15 records whether DHS TRIP complainants are engaged</p> <p>16 in litigation against the Federal Government?</p> <p>17 A Yes. We -- if we are aware that an</p> <p>18 applicant has ongoing litigation, we make a note</p> <p>19 of that so that the analysts understand that</p> <p>20 communication with the applicant could be</p> <p>21 something that the legal staff would need to be</p> <p>22 aware of.</p>